

Closed Caption Log, Council Meeting, 03/22/07

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MAYOR WYNN: good morning. I'm Austin mayor will Wynn and it is my privilege to welcome the pastor to lead news our invocation. Please rise.

Gracious and loving God, we give thanks for the beauty of this day and the privilege of being here in this time and place to serve this community. We give thanks for the mayor and councilmembers and all employees and civil servants. We ask that you bless their work and the different skills and talents that each brings to the table. We pray their efforts and actions and decisions taken today will bless this community and all who live within it. We pray for the mingling of means and personality, the clash of provocative thought and expression, the great variety of skills, talents and gifts presented here. Let your spirit flow into our lives to let these abilities fulfill your purposes. We pray for open eyes so we may truly see the needs of those that suffer. We pray for open ears so we may truly hear those that have no voice. We pray for open hearts so we may have compassion ever for the least of these in our society for truly we will be judged by how we tend and care for the poor, the hungry and disenfranchised. We pray for open hands that we may join together in our diversity to willingly serve and actively make a difference in our neighborhoods and this world. Give us wisdom and discernment to fully understand the issues brought here today. Please give us courage and strength to do what is right and not what is easy. Help us stand up for what is right, even if it means sometimes we stand alone. We ask now that you would guide this time together, that all who gather here may think calmly and carefully, decide wisely and

well in order that everything may be done none with your will. We pray these things in your holy name, amen. Wynn thank you. I will call to order this meeting of the austin city council, it is march 22, 2007, Approximately 22 minutes after 10:00 a.m. I will announce now the mayor Pro Tem Betty Dunkerley is out of town and as I record votes throughout the course of the day I will likely just have a six count vote and won't bother though mention every time that mayor Pro Tem Betty Dunkerley is gone. So council, we have a handful of changes and corrections to this week's posted agenda. Before I get to that, we started our practice of the best we can announcing if we know of some items that might be coming from council here in the relative short term this time we could announce any of those future items from council. Councilmember Kim.

KIM: one item them was brought to my eye tension, I was moderating a council on energy was a question from the audience about compact force light bulbs and the fact that there is mercury and people are disposing of them when they should be recycled so what I will be working on is a policy on how to make it easier for people in Austin to recycle those light bulbs, possibly entering into a partnership with retailers and grocery stores to make it easier for them.

Councilmember Leffingwell.

Leffingwell: the water conservation task force completed last month and we have a policy outlining our recommendations and they will present that to the council on April 19.

MAYOR WYNN: thank you, Councilmember.
Councilmember Martinez.

MARTINEZ: we've been going through a meeting for the past couple months and there is a couple good things we can take from the experience and some lessons learned that we can improve upon as we go forward. Councilmember McCracken and I have come forward with a future process for agreements that might come before us. We feel like having a planner involved in the negotiations kind of moderates and mediates the situation a little bit better. But we are going to be bringing some items forward after talking to city staff and some of the neighborhood folks who found some strengths in the way they handled this case but also look at the weaknesses and try to improve upon those as well.

MAYOR WYNN: further items? Councilmember Cole.

Cole: and working with the east avenue PUD and I might consider it again like in self cases we've had in the past we are dealing with park and trail improvements and I think with we need to consider a significant policy that we would adopt to deal with that, and so I plan on bringing that forward with Councilmember McCracken.

MAYOR WYNN: thank you. Thank you, Councilmember. So again we have a handful of changes and corrections to this week's posted agenda. They are as follows: We should note that item number 7 is to be as part of the consent agenda vote, will be postponed to April 5, 2007. We should note that on item number 28 we need to correct the figure. This is a large waste water system revenue refunding bond series. The amount should be \$280 million, not \$220 million. On item number 32, we should note that Councilmember Leffingwell is an additional could sponsor. On item number 34 we need to insert the phrase particularly commutersen computers and televisions. This is part of a series of pieces of legislation regarding recycling. On item number 42 we should correct the time and strike 4:00 p.m. and correct it to 6:00 p.m. for the setting of this public hearing regarding the university hills Windsor park combined plan, that is 6:00 p.m., may 3, 2007. We will note that on our consent and also on our posted executive session agenda, items number 45 will be withdrawn, that was related to discussions regarding the redevelopment of north cross mall and item number 46, which was to be regarding labor negotiations, meet and confer with the Austin safety officers association. Again items 45 and 46 have been withdrawn from our executive session agenda item. I've been told that item number 28 we will not be changing the amount of these revenue refunding bond series so it will stay as posted at \$220 million and if need be in the future we can come back and I guess have an additional refunding bond series so item number 28 will remain at \$220 million. Okay, our time, certain items for today, at noon we break for our citizen communications. At 4:00 we have our zoning cases, hearings, approval of ordinances, restrictive covenants. At 5:00 we break for live music. Stay tuned for very talented young people. At 6:00 p.m. we conduct a handful of potential public hearings. So those are our changes and corrections to this week's posted agenda. Currently council, there are no items pulled off the consent agenda so if there are to be any, now would be the time to do that. Items to be pulled off the consent agenda. Hearing

none, then I will read our consent agenda this morning.

Mayor.

MAYOR WYNN: yes.

We have three items pulled because they are related to executive session, I believe they are on the back of your changes and corrections.

MAYOR WYNN: thank you very much, they would show up on this agenda as I will read it so for the record since we have several posted item, potential action items that we won't take up until after we have closed session discussion about them, items number 5, 30 and 31 won't be on the consent agenda as they will be taken up some time after our closed session meeting today. SO AGAIN, OUR CONSENT AGENDA THIS MORNING WILL BE NUMERICALLY, ITEMS 1, 2, 3, 4, 6, 7, PER CHANGES AND CORRECTION, THAT IS BEING POSTPONED APRIL 5, 2007, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AGAIN, 28 STAYING WITH THE AMOUNT POSTED ON THE AGENDA. 29 ARE OUR BOARD AND COMMISSION APPOINTMENTS THAT I WILL READ INTO THE RECORD. THOSE WILL BE TO OUR BUILDING AND FIRE CODE BOARD OF APPEALS, JOHN SATORIO, I APOLOGIZE FOR MISPRONOUNCING THAT. AND WE WILL REAS I UNDERSTAND ONE MADE ON MARCH 8, 2007. AND TO OUR CHILD CARE COUNCIL, BETTY JOE WILL BE MAYOR PRO TEM DUNK EARLY'S REANNOUNCEMENT -- MAYOR PRO TEM DUNKERLEY'S REAPPOINTMENT. AND MYLAN WILL SERVE AS THE SOUTH AUSTIN REPRESENTATIVE COMMISSION. THAT IS ITEM NUMBER 29 ON OUR CONSENT AGENDA. CONTINUING ON, ITEM 32, PER CHANGES AND CORRECTION. 33. 34, PER CHANGE AND CORRECTION. 35, 36, 37, 38, 39, 40, 41, 42, PER CHANGES AND CORRECTION. 43, AND AS PART OF OUR ADDENDUM, POST ADDENDUM ITEM 67 AND 68. I'LL ENTERTAIN A MOTION FOR THE CONSENT AGENDA. MOTION MADE BY COUNCIL MEMBER McCRACKEN, SECONDED BY COUNCIL MEMBER MARTINEZ TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: I BELIEVE WE HAVE SOMEONE SIGNED UP TO SPEAK ON I BELIEVE IT IS ITEM NUMBER 35, TAKE-BACK RECYCLING.

MAYOR WYNN: YES, DO WE. MISS SNIDER, WELCOME. ITEM 34 TECHNICALLY. 34. LOOKS LIKE SHE WAS CARRY THE LEGISLATION. [LAUGHTER]

NO, LUCKILY THE LEGISLATION IS MUCH SMALLER. THESE ARE, MY NAME FOR THE RECORD IS ROBIN SNIDER, WITH, IT CAMPAIGN FOR THE ENVIRONMENT. THESE ARE SIGNATURES OF SUPPORT FOR TAKE-BACK RECYCLING IN THE CITY OF AUSTIN IN ABOUT THE PAST YEAR, WE'VE BEEN CAMPAIGNING ON THIS FOR ABOUT FIVE YEARS SO WE HAVE MANY, MANY MORE. THIS IS A SAMPLE FROM ONE ZIP CODE WE TAPE ALL THESE TOGETHER IT WOULD GO WELL AROUND THE AUSTIN CITY HALL. THE SUPPORT FOR THIS AS YOU FOLKS KNOW IS VERY WIDESPREAD AND DEEP AND AUSTIN HAS BEEN AT THE LEAD OF PRODUCER TAKE-BACK RECYCLING WITH CONVINCING DELL TO JOIN IN THESE EFFORTS, WORKING WITH GOOD WILL IN THE CITY ON THE RECYCLING OF COMPUTERS, FOR CITY AND AREA RESIDENTS AND THIS IS ANOTHER STEP WHERE AUSTIN CAN TAKE A LEADERSHIP ROLE AND JOIN CITIES SUCH AS GEORGETOWN AND LAKE WAY, KYLE, DALLAS, AVERY IN SUPPORTING LEGISLATION AT THE STATE LEVEL THAT WILL REQUIRE PRODUCERS TO TAKE BACK COMPUTERS AND TELEVISIONS AND MONITORS AND LAPTOPS FOR PROPER RECYCLING. I'M HAPPY TO SAY THAT DELL SUPPORTS THIS CONCEPT AS DOES HP, LENOVO, SAMSUNG AND OTHERS. WE HAVE SUPPORT FROM RECYCLERS THAT ARE REPRESENTED BY THE INSTITUTE FOR SCRAP METAL RECYCLING AND WE HAVE A SUPPORT FROM A WIDE VARIETY OF CONSUMER GROUPS AND ENVIRONMENTAL GROUPS AND THIS, I THINK, IS THE YEAR FOR THIS LEGISLATION TO PASS FINALLY IN TEXAS AND WE NEED THE CITIES TO BACK THIS, TO TAKE THIS FINANCIAL BURDEN OFF OF THE CITIES BECAUSE IF YOU HAVE TO RECYCLE, HAD TO PAY FOR PROPER RECYCLING AND DISPOSAL OF COMPUTERS AND TELEVISIONS TELEVISIONS ALONE, IN THE CENTRAL

TEXAS AREA IT WOULD COST LOCAL GOVERNMENTS MORE THAN \$40 MILLION. WE NEED THOSE FUNDS TO GO FOR MORE APPROPRIATE CITY SERVICES, MAKE SURE THE RECYCLING IS DONE RESPONSIBLY BECAUSE FAR TOO OFTEN RECYCLING IN THIS FIELD MEANS SALVAGE CAN DUMPS IN THIRD WORLD COUNTRIES AND ILLEGAL DUMPING WHICH WE'VE HAD IN THE AUSTIN AREA NEAR THE LAND FILL, WE FOUND ILLEGAL DUMPS WITH MATERIALS FROM THE STATE ENVIRONMENTAL AGENCIES EVEN. SO WE NEED LEGISLATION TO ADDRESS THIS ISSUE, WE HOPE IT WILL SPUR LOCAL ECONOMIC DEVELOPMENT AND GREEN COLLAR JOBS IN RECYCLING THIS IS A WIN/WIN SITUATION AND WE HOPE FOR ANOTHER UNANIMOUS VOTE AS THE PREVIOUS ONES HAVE BEEN IN VARIOUS CITIES. ANY QUESTIONS?

THANK YOU MISS SNIDER. THANK YOU FOR THIS REMARKABLE AMOUNT OF WORK.

THANK YOU.

MAYOR WYNN: COUNCIL MEMBER LEFFINGWELL.

I WOULD QUICKLY NOTE THAT THE ITEM UNDER CONSIDERATION HERE, THERE ARE THREE BILLS CURRENTLY CURRENTLY FILED, TWO IN THE HOUSE, ONE IN THE SENATE AND THIS ITEM EXPRESSES SUPPORT AND AMENDS OUR LEGISLATIVE AGENDA TO SHOW SUPPORT FOR ALL THREE OF THESE. THERE ARE SLIGHT DIFFERENCES BUT WE ARE IN SUPPORT OF ALL THREE OF THEM.

THANK YOU.

MAYOR WYNN: THANK YOU. WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROACH THE CON SENT AGENDA. COUNCIL MEMBER COLE.

COLE: I WAS GOING TO NOTE RETT CYCLING PROGRAM WILL BE A PART OF THE STIFF AUSTIN'S EARTH DAY AND OUR OFFICE AND I'M SURE OTHER COUNCIL MEMBER OFFICES WILL BE ACTIVELY INVOLVED IN THAT, INCLUDING THE RECYCLING

THE LIGHT BULBS.

MAYOR WYNN: COUNCIL MEMBER McCRACKEN.

McCRACKEN.

MCCRACKEN: WE HAVE THIS MORNING THE FIRST EXAMPLE OF THE STATE OF TEXAS OF FULFILLMENT INCENTIVES AND THIS RAISED THE QUESTION OF WHY DOES ALL THIS MATTER AND START OFF WITH IS THE RESOLUTION FOREST SHOWS FILM SECTOR DOES EMPLOY AUSTIN, NOT JUST ACTORS AND FILM MAKERS BUT FILM CREWS AND PRODUCTION POSITIONS AND THE THING THAT HAS HAPPENED IS AUSTIN IS BECOMING THE ALTERNATIVE TO HOLLYWOOD AS THE KIND OF GROUND-ZERO FOR INDEPENDENT DIGITAL FILM MAKING GLOBALLY AND HAVING THE OPPORTUNITY TO HAVE NATIVE-BASED FILM MAKERS AND COMMUNITY IS A BIG DEAL. WE FOUND OUT IS WE'VE SEEN A GREAT EXPERIMENT TAKE PLACE IN THE LAST THREE YEARS WHERE SOME JURISDICTIONS HAVE OFFERED INCENTIVES IN THE STATE OF TEXAS BE A AUSTIN HAD NOTHING TO OFFER AND IN 2003, AUSTIN WAS SECOND ONLY TO HOLLYWOOD IN TERMS OF THE BUDGETED FILMS MADE NATIONALLY AND THEN ONCE LOUISIANA AND MEXICO'S INCENTIVE PROGRAMS KICKED IN, WE'VE WATCHED OUR LOCAL FILM MAKING ALMOST GET WIPED OUT IN THE LAST THREE YEARS. FRIDAY NIGHT-LIGHTS IS A GREAT OPPORTUNITY BECAUSE IT HAS BEEN REGULAR WORK EVERY WEEK, THERE IS A NEW SHOW OBVIOUSLY, AND IT IS AN OPPORTUNITY FOR STABLE OPPORTUNITIES FOR ACTIVE TORES, FILM -- ACTORS, FILM CREW, PRODUCTION ASSISTANCES AND ALL THOSE WHO HELP SUPPORT THIS AND IT GOES BEYOND THAT BECAUSE WHAT WE'VE LEARNED FROM THE EMERGING TECHNOLOGY COMMITTEES IS THEY HAVE A BIGGER PRESENCE IN AUSTIN TEXAS BECAUSE AUSTIN IS A MAJOR CENTER FOR INDEPENDENT DIGITAL FILM MAKING. AMD AND ROBERT RODRIGUEZ COLLABORATED ON BETA DISCUSSION FOR FILM MAKING AND THEN THE VIDEO GAME SECTOR AND THE FILM MAKING SECTOR HIRING EACH OTHER, ROBERT RODRIGUEZ HIRES PEOPLE FROM THE VIDEO GAME SECTOR,

ENTERTAINMENT AND LOCAL WIRELESS VIDEO GAME COUNTRY JUST HIRED SIX PEOPLE FROM THE CREW SO FILM MAKERS NOW GOING TO WORK IN OUR DIGITAL MEDIA SECTOR AS WELL AND THIS IS ALL COMING TOGETHER AND WE SAW THE ADVANTAGE OF HAVING A VERY STRONG PRESENCE OF TECHNOLOGY EMPLOYERS FOCUSED ON DIGITAL MEETING AND THE URBAN LEAGUE ANNOUNCED THEY WERE COLLABORATING ON A PARTNERSHIP FOR MUSIC, ARTS AND DIGITAL MEDIA IN AUSTIN SOME OF PROVIDE NOT JUST ON PROVIDING ACCESS TO COMPUTERS BUT TO TRAIN PEOPLE ON MOVIES AND VIDEO GAMES WHICH IS REALLY BECOMING ONE SECTOR. THE SAINT EDWARDS, AUSTIN COMMUNITY COLLEGE AND THE UNIVERSITY OF, IT ARE TRAINING FILM MAKERS AND FOLKS TO WORK IN THE DIGITAL MEDIA SECTOR WITH THE SAME SKILL SET, FINALLY TAXPAYERS INVESTED HEAVILY IN THE STUDIOS TO MAKE IT THE PREMIER DIGITAL FILM MAKING STUDIO ANYWHERE IN NORTH AMERICA SO WE NEED TO MAKE SURE THERE ARE OPPORTUNITIES TO KEEP THAT GREAT PROGRESS WE ARE MAKING IN THE COMMUNITY WHICH IS HAVING BROAD BASED EFFORTS IN OUR CITY, KEEP IT GOING. DIGITAL MEDIA OR ONE SECTOR, THEY ARE A FRONT LINE OPPORTUNITY FOR A BIGGER PRESENCE OF OUR HIGH-TECH EMPLOYERS AND THIS IS ALL CON STRENGTHS SO THIS IS WHY ALL THIS MATTERS AND TENTION ISRAL POSITIVE STEF THAT WE ARE STEPPING UP TO SHOW THAT WE CAN PLAY NEW MEXICO BUT WE CAN DO IT TODAY AND THAT IS GOOD FOR OUR LOCAL ECONOMY.

MAYOR WYNN: VERY WELL PUT, THANK YOU COUNCIL MEMBER. FURTHER THOUGHTS. COUNCIL MEMBER MARTINEZ.

MARTINEZ: I HAVE ONE ITEM REGARDING A POLICE OFFICER THAT WAS SERIOUSLY INJURED IN THE LINE OF DUTY, OFFICER ARSKIN WAS INJURED WHILE SERVING ON OUR MOTOR PATROL ANSWER HASN'T BEEN ABLE TO COMPLETELY RECOVER FROM HIS INJURIES BUT THE PROGNOSIS IS GOOD THAT HE WILL BE ABLE TO COME BACK TO THE FORCE, CIVIL SERVICE LAW IS VERY GENEROUS IN

GIVING TWELVE MONTHS OF TIME TO POLICE AND FIREFIGHTERS BECAUSE SOMETIMES THEY SUFFER INJURIES THAT ARE PRETTY SEVERE. IN THIS CASE HE HASN'T BEEN ABLE TO COMPLETELY RECOVER IN THE TIME ALLOWED UNDER CIVIL SERVICE LAW SO THIS RESOLUTION ALLOWS FOR AN ADDITIONAL TWELVE MONTHS AND I WANT TO APPRECIATE STAFF FOR BRINGING THIS FORWARD AND -- BRINGING THIS FORWARD AND TRYING TO TAKE CARE OF ONE OF OUR OFFICERS WHO WAS SEVERELY INJURED WHILE SERVING THIS COMMUNITY.

COMMUNITY.

MAYOR WYNN: THANK YOU COUNCIL MEMBER IT WAS A HORRIFIC ACCIDENT WITH VERY SEVERE INJURIES, YES. FURTHER COMMENTS ON OUR CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR, SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF 6-ZERO. THANK YOU ALL VERY MUCH. COUNCIL WITH NO DISCUSSION ITEMS OR POTENTIAL ACTION ITEMS UNTIL AFTER OUR CLOSED SESSION AGENDA, AT THIS TIME WITHOUT OBJECTION WE WILL GO INTO CLOSED SESSION PURSUANT TO SECTION 551-071, OPEN MEETINGS ACT AND POTENTIALLY TAKE UP ITEMS 44, RIGHT INTO THE LEGISLATIVE SESSION, ITEM 47 RELATED TO LEGAL ISSUES CONCERN THE CITY OF AUSTIN AND ITEM 48, PO TERM LEGAL ITEMS CONCERNING SAVE TOWN LAKE.ORG VERSUS CITY OF AUSTIN. ALSO PURSUANT TO SECTION 551.074 WE MAY TAKE UP PERSONNEL MATTERS THOSE BEING ITEM NUMBER 49 RELATED TO THE PERFORMANCE, EVALUATION OF OUR CITY CLERK AND ITEM 50 RELATED TO PERFORMANCE AND EVALUATION OF OUR CITY AUDITOR, WE ARE NOW IN CLOSED SESSION AND I ANTICIPATE US BEING BACK IN OPEN SESSION RIGHT AT NOON FOR OUR GENERAL CITIZEN COMMUNICATION AND LIKELY WE WILL CONTINUE THE CLOSED SESSION AFTER THAT 30-MINUTE CITIZEN COMMUNICATION. WE ARE NOW IN CLOSED SESSION. THANK YOU VERY MUCH.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP AGENDA ITEM 47

RELATED TO LEGAL ISSUES, CITY OF AUSTIN VERSUS RIGHTHOLD INC. AND CITY OF AUSTIN VERSUS SAVE TOWN LAKE. NO DECISIONS WERE MADE. WE HAVE A NUMBER OF SPEAKERS SIGNED FOWP CITIZEN COMMUNICATION. OUR FIRST SPEAKER IS PL ALFRED STANLEY. HE SIGNED UP WISH TO GO ADDRESS US. HE MIGHT BE HERE IN A FEW MINUTES. THE NEXT SPEAKER IS DAVID BUTTS. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MAYOR PRO TEM JACKIE GOODMAN.

LET'S SEE. MAYOR, MEMBERS OF THE COUNCIL AND CITY MANAGER, I VERY SELDOM SPEAK, AND I'M REMINDED OF THAT STATE SENATOR WHO WHEN WE TALK ABOUT AN ISSUE OF CHANGE THE STATE SENATOR SPEAKING IN THE STATE SENATE OF TEXAS SAYING IN EFFECT THAT DURING HIS TIME HE HAD SEEN MANY CHANGES AND HE WANTED IT RECORDED THAT HE HAD BEEN OPPOSED TO EVERY SINGLE ONE OF THEM. [LAUGHTER]

Mayor Wynn: I THINK HE WAS FROM BRAZOS COUNTY, WASN'T HE?

IT SORT OF FITS WITH TODAY'S SITUATION TOO, I SUPPOSE. MANY CHANGES HAVE COME TO THIS CITY. SOME OF THE CHANGE ARE REMARKABLE. THEY ARE EXPANDING THIS CITY, MAKING AUSTIN INTO THIS COSMOPOLITAN ECHO TECHNOLOGICAL CENTER WE HAVE RAPIDLY BECOME. BUT WITH EXPANSION, GROWTH COMES A WHOLE SET OF NEW PROBLEMS, PROBLEMS THAT HAVE -- WE HAVE BECOME SO FAMILIAR WITH, PROBLEMS THAT YOU GET TO DEAL WITH EVERY SINGLE DAY FAR MORE DIRECTLY THAN WE DO, THAN I DO ANYWAY. WHAT HAS BEEN REPORTED BY HISTORIANS AND EVEN THOSE WHO ONLY READ HISTORY IS THAT AS ECONOMIC POLITICAL ENVIRONMENTS BECOME LARGER, THERE IS ALMOST ALWAYS AN UNFAILING ATTEMPT TO ESTABLISH STRONGER, MORE RESTRICTIVE, MORE PROTECTIVE CONTROLS. THE NEED TO CONTROL, RESTRICT, DISTRICT AND EVEN AT TIMES SENSOR BECOME A COMPELLING URGE OF THE GOVERNMENTAL BUREAUCRACY. USUALLY ON THE ARGUMENT, THE CALL FOR THIS KIND OF CONTROL IS USUALLY BASED ON THE ARGUMENT

THAT ORDER MUST BE MAINTAINED AND THAT SOME THREAT TO THAT ORDER IS ABOUT TO OR HAS MANIFESTED ITSELF. THIS MAY BE ESPECIALLY TRUE IN AUSTIN AS GROWTH CREATES THE IMPRESSION OF DISORDER, REAL AND IMAGINED. I BELIEVE PERSONALLY THAT GOVERNMENT MUST PLAY AN ACTIVE ROLE IN DETERMINING THE COURSE OF EVENTS. THAT IT CAN BE BE A PASSIVE BYSTANDER TO THE FORCES OF THE MARKETPLACE AND EXPECT TO HAVE A JUST AND PEACEFUL SOCIETY, BUT ALMOST INHERENTLY GOVERNMENT RESTRICTIONS BRANCH OUT TO THE ISSUE OF FREE AND UNFILTERED EXPRESSION, OF THOUGHT AND SPEECH. THIS IS ALWAYS A LARGER -- [BUZZER SOUNDS] THIS IS ALWAYS A DANGER THAT MUST BE NIPPED AT ITS INCEPTION. TO ME THE FOCAL POINT IS THIS CHAMBER. IT BELONGS TO THE PEOPLE AND IT IS THE PEOPLE'S CHAMBER. AND THEY SHOULD HAVE A RIGHT TO USE IT. I KNOW COUNCILMEMBERS CAN GIVE THAT RIGHT AND I AM SURE THAT EVERY ONE OF YOU WOULD DO SO, BUT WHAT OF THOSE THAT COME AFTER YOU? IF THE ISSUE IS SAFETY, PROVIDE MORE SECURITY. THE DIFFERENCES BETWEEN SOMEONE HOLDING A PRESS CONFERENCE ABOUT TOO MANY POTHOLES AND A RALLY OF THE KLAN IS APPARENT AND REQUIRES DIFFERENT SETTINGS EVEN WHILE PROTECTING THE RIGHT OF FREE SPEECH. OUR CITY GOVERNMENT NEEDS A POLICY THAT SAYS THIS BUILDING IS OPEN TO ITS CITIZENS. THAT THIS GREAT HALL, THIS PEOPLE'S HALL IS A PLACE WHERE YOU MAY BE HEARD REGARDLESS OF WHO SITS ON THE COUNCIL OR WHO SITS IN THE HAMS OF THE UNSEEN POWER THAT SURROUND THE COUNCIL. AND WHATEVER THE DISCORD, WHATEVER THE INCONVENIENCE AND WHATEVER THE COST, REST ASSURED OUR CITY WILL BE A BEACON TO OPENNESS AND OF DEMOCRATIC TRADITION IN THE BEST SENSE OF THOSE IDEALS. THANK YOU.

Mayor Wynn: THANK YOU, MR. BUTTS. I DIDN'T WANT TO CUT YOU OFF, BUT YOUR TIME EXPIRED.

I'M SORRY.

Mayor Wynn: WELCOME, JACKIE. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY PAUL ROBINS.

THANKS, MAYOR AND COUNCIL. I NEVER DID HAVE TIME TO ORG MY.....OREGON MY NOTES SO I'M NOT SURE I'LL BE COHERENT. I'LL JUST HIT ON THE ONES THAT I THINK ARE IMPORTANT. MY HOROSCOPE THIS MORNING SAID TRY NOT TO ANNOY OTHERS WITH THE FORCE OF YOUR CONVICTIONS. [LAUGHTER] IN THAT VEIN I'M ALSO HOPING TO BE SO POLITE YOU WILL AGREE WITH ME AT THE END. WHEN CITY HALL ANNEXED WAS RAZED AND THERE WAS A FOUR YEAR INTERIM BEFORE THE NEW CITY HALL WAS READY TO OPEN, LCRA WAS USED FOR COUNCIL MEETINGS. IT COULD NOT BE AND WAS NOT CITY HALL. AND PERHAPS PEOPLE FORGOT OR DIDN'T KNOW ABOUT OR SIMPLY DIDN'T LIKE AND DIDN'T AGREE WITH THE KIND OF TRADITIONS THAT AUSTIN HAD ALWAYS HAD AT ITS CITY HALL. THE CITY ANNEX YOU REMEMBER WAS SUPPOSEDLY ALSO AN INTERIM FACILITY AND WE WOUND UP USING IT FOR FRORLT FOR 40 YEARS OR SOMETHING. WHEN YOU LOOK AT HOW TO MAINTAIN THE FACILITY FROM AN ADMINISTRATIVE POINT OF VIEW, THE PERSPECTIVE IS INHERENTLY AND NECESSARILY DIFFERENT FROM THOSE WHO ARE THE POLICY DECISION MAKERS WHO MUST LOOK AT THING IN A LITTLE MORE SYMBOLIC, ELECTED REPRESENTATIVE SORT OF WAY. BECAUSE YOU ARE THE FOLK THAT WE THE PEOPLE ELECT TO ESTABLISH POLICY THAT WE FEEL REPRESENTS US. AND FOR 40-SOME YEARS WE HAVE FELT THAT THAT POLICY, THOSE POLICIES OF CITIZEN ACCESS AND USE OF CITY HALL AND CITY CHAMBERS WAS A GOOD ONE. THIS BUILDING WAS DESIGNED SPECIFICALLY FOR THE ASSEMBLY THAT AUSTIN IS SO FAMOUS FOR, POLITICALLY, PARTICIPATORILY, TERNL NATIONALLY IN THE WORDS OF THE ARCHITECT, DEMOCRATIC. WE ASKED A QUESTION ABOUT THE LAW THAT WAS BEING CITED IN THE POLITICAL CAMPAIGN KIND OF THING BECAUSE TRADITIONALLY WE'VE ALWAYS HAD CITY COUNCIL CANDIDATES VIRTUALLY EVERY SINGLE ONE OF THEM HAVE THEIR KICKOFF FROM CITY HALL WHEN THERE WAS A CITY HALL

TO DO IT FROM. AND WE'VE ALSO HAD PRESS CONFERENCES FROM POLITICAL GROUPS, FROM ENVIRONMENTAL THAT I'M MOST FAMILIAR WITH, AFFORDABLE HOUSING, ETCETERA, ETCETERA. THAT WOULD BE AN INTERPRETATION BY CITY LEGAL NOW, WHAT DOES AND DOES NOT COMPRISE POLITICAL AND CAMPAIGN. AND I THINK IT'S DANGEROUS WHEN YOU START HAVING INTERPRETATIONS LIKE THAT. TO THROW THE BABY OUT WITH THE BATH WATER I THINK IS PRESUMPTUOUS.

Mayor Wynn: WELCOME MR. ROBBINS. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY SYLVIA BENINI.

MAYOR I HAD A QUESTION FOR FORMER COUNCILMEMBER JACKIE GOODMAN.

Cole: DO YOU MIND IF YOU COULD LAY OUT JUST QUICKLY WHAT YOU REMEMBER THE POLICY USED TO BE THAT IS THE SOURCE OF THE CONCERN NOW THAT'S DIFFERENT?

IN ONE SENSE IT IS THAT ALL PARTS OF CITY HALL IS AVAILABLE AND IN PARTICULAR COUNCIL CHAMBERS. THERE WAS NO NECESSITY TO HAVE A COUNCILMEMBER SPONSOR YOUR ABILITY TO USE THESE CHAMBERS FOR SOME SORT OF EVENT. AND WHICH HAS DAVID SAID KIND OF LEADS UP TO WHAT IF SOME COUNCILMEMBER, FOR INSTANCE, LET ME GO BACK A MINUTE, SAY SAVE AUSTIN NEIGHBORHOODS AND ENVIRONMENT, SIERRA CLUB, S.O.S., CAN'T REMEMBER -- EARTH FIRST. THEY USED TO HAVE A POLITICAL ENVIRONMENTAL SCORE CARD WHICH WE WOULD HAVE A PRESS CONFERENCE ABOUT, AND IT WAS THE SCORECARD OF THE COUNCIL. NOW, OBVIOUSLY IT WOULD HAPPEN IN THE CHAMBERS, ESPECIALLY IF IT WAS RAINING OUTSIDE AND YOU CAN USE THE PLAZA OR IF IT WAS A LARGE GROUP AND YOU DIDN'T WANT TO USE THE PRESS ROOMS. THOSE ARE FINE VENUES AND THERE SHOULD BE NO PRECLUSION. IF WE WERE TO HAVE IT HERE, I THINK LEGAL WOULD HAVE TO INTERPRET FOR YOU, IS THAT POLITICAL. WHAT IF THERE WAS A CAMPAIGN COMING UP, A

CITY COUNCILMEMBER CAMPAIGN FOR -- A CITY COUNCIL CAMPAIGN FOR CANDIDATES AND SOME OF THEM DID VERY POORLY ON THEIR ENVIRONMENTAL SCORECARD, OTHERS PERHAPS DID WELL OR MAYBE NONE OF THEM DID. WHAT IF NO CITY COUNCILMEMBER WANTED TO HEAR ABOUT THAT. SO THEN YOU WOULD HAVE OBVIOUS DIFFICULTY JUST FOR INTERPRETATION AND SELECTIVE AUTHORITY. IT'S KIND OF ELITIST. SO WHAT HAPPENED WAS CITIZENS COULD RESERVE THE SPOTS IF THEY WERE NOT BEING USED FOR CITY BUSINESS. NOBODY COULD SCHEDULE ANYTHING AT THE SAME TIME AS A CITY COUNCIL MEETING OR BOARD MEETING OR ANYTHING LIKE THAT. SO THERE DIDN'T SEEM TO BE A PROBLEM WITH WHAT EXISTED. THE ONLY TROUBLE WAS SOME WHO KNEW ABOUT THE RESOURCES AVAILABLE IN CITY HALL ON THIS SPOT WOULD NOT (INDISCERNIBLE) THEM. EVEN SO, THERE WAS A BETTER OWNERSHIP ARKS BETTER ENGAGING INTEREST IN CITY GOVERNMENT AND THE PERSONALITIES OF CITY GOVERNMENT THAN THEY ARE NOW. I KNOW I WENT A LONG WAY AROUND ANSWERING YOUR QUESTION.

Cole: IT WAS VERY HELPFUL.

BUT IT WAS BY RESERVATION IF THERE WAS NOTHING ELSE.

Cole: IT WAS VERY HELPFUL. THANK YOU.

Mayor Wynn: WELCOME MR. ROBBINS. AGAIN, YOU WILL BE FOLLOWED BY SYLVIA BENINI.

MAYOR, COUNCIL, CITIZENS OF AUSTIN I'M PAUL ROB BE BINS, AN ENVIRONMENTAL ACTIVIST AND CONSUMER ADVOCATE. I'M HERE WITH A LETTER SIGNED BY OVER 30 AUSTINITES WHO HAVE SHOWN TREMENDOUS DEDICATION TO THIS CITY OVER MANY YEARS. GIVEN TIME I WILL READ THE HIGHLIGHTS OF THIS LETTER. MAYOR WYNN AND CITY COUNCIL, WE ASK YOU TO CONSIDER OUR REQUEST TO ENHANCE CIVIC PARTICIPATION IN AUSTIN BY ESTABLISHING THE -- BY REESTABLISHING THE CUSTOM OF CITIZEN ACCESS

TO CITY HALL. FOR DECADES PRIOR TO THE CITY HALL OPENING IN THE YEAR 2005 IT WAS A WELL-KNOWN AND TIME-HONORED TRADITION THAT CITY HALL CHAMBERS AND MEETING ROOMS WERE OPEN TO THE PUBLIC WHEN NOT USED FOR CITY BUSINESS. IT WAS CUSTOMARY FOR CITY COUNCIL CANDIDATES, BOTH INCUMBENTS AND CHALLENGERS TO MAKE THEIR ANNOUNCEMENTS IN THE CHAMBERS. ACTIVISTS OF ALL OPINIONS WOULD MAKE COMMENTS ON ISSUES OF THE DAY, PRESS CONFERENCES AND FORUMS ON CIVIC AFFAIRS WERE EVERYDAY EVENTS. IN A SENSE, CITY HALL AND CHAMBERS BECAME THE EQUIVALENT OF AUSTIN'S VILLAGE SQUARE. WE FIND IT DISTURBING THAT THIS CUSTOM IS NO LONGER HONORED AND WE ASK YOU TO CHANGE THIS NEW AND NON-TRADITIONAL POLICY. WE ASK THE CITY COUNCIL TO DEVISE A WAY TO SHARE ACCESS TO THIS BUILDING WITH ITS CITIZENS. CITY HALL IS THE PEOPLE'S HOUSE, IT DOES NOT BELONG TO ANYBODY, IT BELONGS TO EVERYBODY.

SINCERELY -- AND THESE ARE FORMER CITY COUNCILMEMBERS, RAUL ALVAREZ, JACKIE GOODMAN, MAX NOFZIGER, BRIDGET SHEA, BILL SPELLMAN AND CHARLES URDY. AND THE COMMITTEE ACTIVISTS WHO SIGNED IT INCLUDE JOHN BEEL, STEVE BEERS, GEORGE COVER, ROGER CRAVEY, DID I LEAVE OUT DAVID BUTTS. EDDIE GARY, JACK GOODMAN, MARG RECEIPT JONES, SHERRI MATTHEWS, LAURA MORRISON AND THE AUSTIN NEIGHBORHOODS COUNCIL, MARY ANNE NEELY, LAUREN ROSH, ROBIN RATHER, CHRIS RILEY, KATHY SMART. CRAIG SMITH, ALFRED STANLEY. DAVID SULLIVAN, DONNA TEEMAN, BRUCE (INDISCERNIBLE), AND I THINK I FORGOT SYLVIA BENINI WHO IS HERE TODAY. ALSO, ALFRED STANLEY WROTE YOU ALL AND SAID HE COULDN'T MAKE IT, BUT HE DID SEND YOU A LETTER I'LL READ BRIEFLY A PASSAGE OF THE LETTER. QUOTE, THE TRAVIS COUNTY DEMOCRATIC PARTY REGULARLY MEETS IN THE COMMISSIONERS COURTROOM IN THE GRANGER BUILDING. I'M SURE THE REPUBLICAN PARTY COULD ALSO MAKE SUCH ARRANGEMENTS. WHEN CONGRESSMAN DOGGETT WAS FIGHTING FOR HIS POLITICAL LIFE DURING THE LEGISLATURE'S INFAMOUS 2003 CONGRESSIONAL REDISTRICTING

BATTLE HE HELD A NEWS CONFERENCE SURROUNDED BY SUPPORTERS IN THE COMMISSIONERS COURT. [BUZZER SOUNDS] GIVEN TIME, I WANT TO JUST BRIEFLY MAKE A SUGGESTION. I DON'T WANT ANY PERSON OR GROUP TO DOMINATE THESE CHAMBERS ANY MORE THAN I WANT THEM RESTRICTED FROM IT. A PERSON OR GROUP COULD USE EITHER THE CITY HALL CHAMBER OR THE BOARD AND COMMISSION ROOM, A MAXIMUM OF ONCE EVERY TWO MONTHS FOR A MAXIMUM OF TWO HOURS AND EXCEPTIONS ARE MADE FOR CITY COUNCIL CANDIDATES AND GROUPS SUPPORTING OR OPPOSING CITY BALLOT ITEMS WHICH MAY USE THESE AREAS ONCE A MONTH FOR TWO HOURS. THANK YOU. I APPRECIATE YOUR TIME AND CONSIDERATION.

Mayor Wynn: THANK YOU. THANK YOU FOR THE SUGGESTIONS. SYLVIA, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MARY ARNOLD.

MAYOR WYNN, WITH YOUR PERMISSION I WILL YIELD TO THE OTHER SPEAKERS ON THIS SUBJECT OF ACCESS TO CITY HALL AND REMAIN BEHIND WITH MY TWO OTHER CITIZENS HERE FOR FURTHER COMMUNICATION.

Mayor Wynn: FURTHER COMMUNICATION ON WHAT TOPIC AND WHAT DAY?

YES, SIR, PEACE. THE PEACE REPORT.

WE TRY TO FOLLOW OUR RULES. WE HAVE 10 SPOTS AND YOU HAVE THREE MINUTES IF YOU WANT TO USE IT.

OKAY. I WILL BEGIN NOW.

Mayor Wynn: I'M WELCOME TO CALL YOU UP LAST IF YOU WOULD PREFER THAT.

MY NAME IS MARY ARNOLD. AS I UNDERSTAND IT, A SPECIFIC GUIDELINE DOCUMENT WAS PREPARED THE SUMMER OF 2006 IN THAT TIME FRAME, BUT THAT UP UNTIL THAT TIME THERE HAD NOT

PERHAPS BEEN WRITTEN GUIDELINES WITH REGARD TO USE OF THIS NEW BUILDING. FOR INSTANCE, I THINK IT WAS IN THE SPRING OF '06 UNDER PROCLAMATIONS THE MAYOR GAVE A CRLVATION PROCLAMATION FOR BOB AIRES WHO HAD BEEN HONORED BY THE DAUGHTERS OF THE REVOLUTION FOR HIS WORK ON CONSERVATION. AND IN CONNECTION WITH THAT WE TRIED TO GET PEOPLE HERE FROM THE DAUGHTERS OF THE AMERICAN REVOLUTION FOR THE PROCLAMATION AND OTHER GROUPS DO AND WE REQUESTED THAT WE USE THE BOARD AND COMMISSION ROOM AFTER PROCLAMATIONS IN ORDER TO HAVE A LITTLE RECEPTION FOR BOB AND HIS FAMILY WHERE PEOPLE COULD COME AND SAY HI TO HIMMABLE CONGRATULATE HIM. UNDER THIS NEW POLICY GUIDELINE, I'M NOT SURE THAT THAT WOULD HAVE BEEN POSSIBLE. THERE ARE A NUMBER OF QUESTIONS THAT THE POLICY MENTIONS IN TERMS OF DETERMINING WHETHER OR NOT SUCH A RECEPTION WOULD SERVE A PUBLIC PURPOSE. AND IT'S QUITE A LENGTHY LIST OF QUESTIONS, AND SOME PEOPLE MIGHT BE DAUNTED BY HAVING TO FILL OUT A FORM THAT ANSWERED ALL OF THESE QUESTIONS AS THE ORGANIZERS OF AN INDIVIDUAL GROUP, HOW MANY CITIZENS ARE SERVED, HOW DOES IT BENEFIT THE COMMUNITY, WHAT SERVICES ARE PROVIDED, ON AND ON AND. I HOPE THAT THE CITY COUNCIL WILL URGE THAT THERE BE SOME FURTHER DISCUSSION AND ANAL ANALYSIS AS TO WHAT THE POLICIES WERE FOR THE PREVIOUS CITY HALL AND WHAT THEY ARE NOW AND TRY TO GO BACK TO MORE OF WHAT IT WAS FOR THE OLD BUILDING. THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MS. ARNOLD. KATHY TOVO, WELCOME, CEATZ. YOU TOO WILL HAVE THREE MINUTE AND BE FOLLOWED BY SPENCER CROWL.

MAYOR WYNN, COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO SPEAK HERE TODAY AND TO ADD MY VOICE TO THOSE WHO HAVE SPOKEN SO ELOQUENTLY ABOUT THOSE WHO HAVE SPOKEN ABOUT THE USE OF THIS PUBLIC BUILDING. I APOLOGIZE TO THOSE IN THE BUILDING WHO

ALREADY HER THIS STORY. I CAME DOWNTOWN FOR THE FIRST NIGHT FESTIVITIES AND IT WAS JUST GREAT FUN, BUT ONE OF THE THING THAT STRUCK ME AT THE SAME TIME AND REALLY STAYS IN MY MEMORY IS THE WAY THIS BUILDING FUNCTIONED DURING THAT EVENT. IT WAS A COLD EVENING AS YOU MAY REMEMBER, AND LOTS OF PEOPLE CAME INTO THE CITY HALL TO WARM UP, TO EAT. BUT AS I LOOKED AROUND IT WAS VERY CLEAR THAT SO MANY OF THE PEOPLE HERE THAT EVENING IN THIS SPACE HAD NOT BEEN TO THE NEW CITY HALL BEFORE AND THEY WANDERED AROUND THE LOBBY LOOKING AT THE LIMESTONE WALLS AND THE COPPER DETAILING, ADMIRING THE ART, AND REALLY INHAS..... INHABITING THE SPACE, A SPACE THEY MAY HAVE ONLY SEEN ON CHANNEL 6. ANDIBILITY IT WAS REALLY NEAT TO SEE CITY HALL BECOME A VITAL PART OF THAT COMMUNITY EVENT, A GATHERING SPOT, A MEETING SPACE. IT WAS A FINE EXAMPLE OF THE POWER THAT GOOD CIVIC BUILDINGS HAVE TO DRAW INDIVIDUALS IN TO A COLLECTIVE COMMUNITY EXPERIENCE. KEEPING THE BUILDING OPEN THAT EVENING SENT A REALLY POWERFUL MESSAGE TO THE CITIZENS OF AUSTIN. IT SAID YOU'RE WELCOME HERE AND YOUR PARTICIPATION IS REALLY VITAL TO THE DIALOGUE THAT OCCURRED IN THE MEETING ROOM AND IN THIS CHAMBER ITSELF. I REQUEST THAT YOU RECONSIDER NAMELY THE ONE ABOUT COUNCIL SPONSORSHIP OF RESERVING THE COUNCIL CHAMBERS AND ALSO THE RESTRICTIONS ABOUT POLITICAL USE. THE PEOPLE WHO COME IN HERE FOR A NON-CITY PURPOSE TO PARTICIPATE IN AN EVENT THAT HAPPENS IN HERE MAY COME INITIALLY FOR A NON-CITY PURPOSE, BUT I THINK THEY WILL BE MUCH MORE INCLINED TO RETURN AND GET INVOLVED IN THE CIVIC PROCESS IF THIS IS A FAMILIAR PLACE TO THEM AND THEY FEEL THAT THEY BELONG HERE. SO PLEASE CONSIDER CAREFULLY HOW WITH SOME REVISIONS THE PUBLIC USE POLICIES OF THIS BUILDING CAN REALLY WORK TO PROMOTE AN ACTIVE AND ENGAGED PUBLIC CITIZENRY. THANK YOU.

I'M SUSANA ALMANZA WITH PODER AND WE WOULD ALSO LIKE TO GO ON RECORD THAT THE

CITY COUNCIL DEVISE A FAIR -- DEVISE A FAIR PROCESS TO SHARE ACCESS TO CITY HALL. AND SO THEREFORE I WOULD LIKE TO INVITE EVERYONE TO CELEBRATE THE LIFE OF CESAR CHAVEZ BY ATTENDING THE MARCH. THE MARCH WILL TAKE PLACE SATURDAY, MARCH THE 31st, 2007. THE MARCH WILL CONTINUE AT 10:00 A.M. AT CITY HALL, 201 WRES CESAR CHAVEZ AND END AT THE LIBRARY. CESAR CHAVEZ WAS BORN ON MARCH THE 31st, 1927 IN YUMA, ARIZONA.

EASY....SAYS....CESAR CHAVEZ WAS A LATINO FARM WORKER AND CRUSADER FOR SOCIAL CHANGE. HE WAS CO-FOUNDER OF THE UNITED FARM WORKERS WHICH ADVOCATES FOR BETTER WAGES AND SAFE WORKING CONDITIONS ON AMERICAN FARMLAND. CESAR CHAVEZ IS MORE THAN A SYMBOL AND ROLE MODEL FOR FARM WORKERS AND THE MEXICAN COMMUNITY. CESAR CHAVEZ IT DEMONSTRATED THE NEED FOR ALL WORKING PEOPLE TO SUPPORT THOSE WHO ARE OPPRESSED AND EXPLOITED, WORKING FOR DIGNITY ON THE JOB HAND IN THE COMMUNITY, INCREASING DEMOCRATIC RIGHTS OF WORKING PEOPLE AND CHALLENGING THE POWERFUL IN DEFENSE OF THE POWERLESS. IN 2006 OVER 3,000 PEOPLE GATHERED AT CITY HALL TO CELEBRATE THE LIFE OF CESAR CHAVEZ. THEY MARCHED DOWN CESAR CHAVEZ STREET TO THE AB CANTU PAN AMERICAN RECREATION CENTER, 2100 EAST THIRD STREET. PEOPLE LISTENED TO THE MUSIC PROVIDED BY A BAND AND MARIACHI. SPEAKERS SUCH AS CONGRESSMAN LLOYD DOGGETT, STATE REPRESENTATIVE EDDIE RODRIGUEZ AND RAUL ALVAREZ AND OTHER GUESTS PAID TRIBUTE TO CESAR CHAVEZ AND HIS WORK. AS CESAR CHAVEZ ONCE SAID, QUOTE, WE HAVE A POWER THAT COMES FROM THE JUSTICE OF OUR CAUSE. SO LONG AS WE'RE WILLING TO SACRIFICE FOR THAT CAUSE, SO LONG AS WE PERSIST IN NON-VIOLENCE AND WORK TO SPREAD THE MESSAGE OF OUR STRUGGLE, THEN MILLIONS OF PEOPLE AROUND THE WORLD WILL RESPOND FROM THEIR HEARTS AND THEN WE WILL OVERCOME. (SPEAKING SPANISH) WE WOULD ALSO LIKE TO INVITE EVERYONE TO THE CESAR CHAVEZ AWARD DINNER THAT'S GOING TO BE HELD THURSDAY, MARCH THE 29TH FROM SIX TO EIGHT

AT THE CONNALLY GUERRERO SENIOR ACTIVITY CENTER. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU. SARAH FRISCO? ACTUALLY, CAN YOU GO IN WHATEVER ORDER YOU LIKE NOW. YOU ARE THE FINAL THREE SPEAKERS.

MAYOR, THANK YOU FOR YOUR KIND ASSISTANCE AND SLIGHTLY CHANGING THE ORDER. I'M SYLVIA BENINI. I WORK WITH INSTRUMENTS FOR PEACE. I'VE COME TO GIVE YOU THE UPDATE ON THE MILLIONS MUSICIANS MARCH THAT WAS HELD HERE IN AUSTIN ON SATURDAY. OVER 3,000 CITIZENS FROM AUSTIN AND STATEWIDE CAME TO PARTICIPATE AND TO STAND UP FOR PEACE. WE WERE JOINED BY THE HONORABLE LIZ CARPENTER AS OUR GUEST OF HONOR AND FEATURED SPEAKER. CONGRESSMAN LLOYD DOGGETT CAME. AND I WANTED TO SPECIFICALLY THANK COUNCILMEMBER LEFFINGWELL FOR YOUR KIND ASSISTANCE IN SECURING THE GREEN ROOM FOR OUR HONORED GUESTS. I LOST ABOUT A THOUSAND OF MY CITIZENS WHO ARRIVED AT CITY HALL HOT, SWEETIE AND' TIRED AND NEEDING TO USE THE BATHROOM. SO THAT KIND OF TIES INTO THE OTHER COMMENTS THAT WERE MADE BY OTHER CITIZENS EARLIER. IF THE ATRIUM COULD HAVE OPENED, WE WOULD HAVE HAD 3,000 PEOPLE OUT HERE CELEBRATING PEACE. THAT WOULD HAVE MADE A HUGE DIFFERENCE. I JUST MENTION THAT. I BROUGHT TWO ASSOCIATES HERE TODAY THAT WILL BE SPEAKING TO YOU IN A LARGER CONTEXT WHAT YOU AS OUR ELECTED REPRESENTATIVES CAN DO TO HELP US GAIN PEACE IN THIS NATION NOW. HERE'S JUST A FEW NUMBERS. AS OF THIS MORNING,, 3,228 U.S. SOLDIERS HAVE BEEN LOST IN THE WAR IN IRAQ. 23,417 SOLDIERS CRITICALLY WOUNDED. WE HAVE SPENT OVER \$410 BILLION RIGHT NOW..... RIGHT NOW IN CONGRESS THERE'S A BILL MOVING THROUGH FOR AN ADDITIONAL SUPPLEMENTAL 125 BILLION MORE. AUSTIN'S SHARE OF UNRETURNED TAX DOLLARS, 1.130 BILLION. I'M GOING TO INTRODUCE THE NEXT SPEAKER, SPENCER CROWL.

Mayor Wynn: WELCOME, MR. CROWL.

HI, EVERYBODY. I'VE SPOKEN TO YOU GUYS IN THE PAST ON SOME ISSUES SUCH AS CAMPO AND POLICE BRUTALITY, TASERS, ISSUES ALONG THOSE LINES. AND I WAS LOOKING THROUGH SOME OF YOUR PAST RESOLUTIONS AND IT SEEMS AS THOUGH YOU ALL AT ONE POINT IN TIME HAD THE RECOGNITION THAT THIS WAR WOULD ONLY LEAD NO MORE WAR AND I WANT TO GO AHEAD AND EMPHASIZE THAT NOTHING ABOUT THAT HAS CHANGED. THE VIOLENCE IS CONTINUING TO INCREASE. CERTAINLY SOME OF THE NUMBERS THAT SHE GAVE YOU ARE AFFECTED BY THE FACT THAT OUR MEDICAL ABILITIES ARE MUCH BETTER WAY THAN THEY WERE IN THE DAY. THE DEATH NUMBERS OF OUR OWN WOULD BE HIGHER. CERTAINLY WAS LEFT OUT WAS SOME NUMBERS ABOUT THE NUMBER OF IRAQI THAT HAVE BEEN KILLED. WHAT IT IS THAT GETS YOU GOING ON THIS ISSUE IS THE MONEY, THEN CERTAINLY A BILLION DOLLARS WOULD HELP PAY FOR THE \$10 MILLION OF SIDEWALKS THAT YOU GUYS ARE TALKING ABOUT IN ONE OF OUR PAST AGENDA MEETINGS. IT CERTAINLY WOULD PAY FOR THE CAMPO TOLL ROAD ISSUE THAT YOU GUYS HAVE BEEN WORKING ON. IT WOULD CERTAINLY HELP PAY TO MAKE SURE THAT ALL OF OUR POLICE OFFICERS ARE TRAINED WELL ENOUGH THAT THEY'RE NOT FIRING RANDOMLY AND BUSY PARKING LOTS. THERE ARE A LOT OF THING THAT WE COULD DO WITH THIS MONEY. AND THE PRIMARY THINGS THAT I WOULD LIKE TO ASK IS THAT, ONE FRKS YOU DON'T SUPPORT THE WAR AND IF YOU HAD THE COMMON SENSE TO BE ABLE TO RECOGNIZE THAT THIS WAR WOULD ONLY CAUSE MORE VIOLENCE, THEN YOUR VOTE SHOULD BE NO PROBLEM ON PASSING A RESOLUTION THAT SAYS THE CITY IS AGAINST THIS. IF YOU ARE IN FAVOR OF THE WAR AND IF YOU ARE ONE OF THOSE PEOPLE THAT TEND TO THINK WE COULD HAVE THIS, I WOULD ASK YOU WHAT WOULD HAPPEN IF IT WAS YOUR CITIES AND YOUR TOWNS AND YOUR HOMES BEING DESTROYED? PRETEND THAT THAT INTEL BUILDING THEY BLEW UP A COUPLE OF WEEK AGO HAD BODIES UNDERNEATH IT. PRETEND IT WAS YOUR FRIENDS

AND YOUR FAMILY THAT ARE THE ONES BEING KILLED. AND IF YOU WERE IN THE ROLE OF THE IRAQIS, IF IT WAS YOU THAT HAD TO SIT THROUGH THERE AND DO THAT, WHAT WOULD YOU DO? I THINK THAT ANYBODY THAT SITS AND ANSWERS THAT QUESTION HONESTLY WILL RECOGNIZE THAT THE ONLY THING THAT HAPPENS BY SUPPORTING AND CONTINUING THIS VIOLENCE IS TO INCREASE THE CIRCLE OF VIOLENCE.

MY NAME IS SARAH AND THIS IS THE FIRST TIME I'VE EVER COME TO CITY COUNCIL, PERIOD. I'M A PROFESSIONAL IN THE FINANCIAL SERVICES INDUSTRY AND I'M ALSO A SINGLE MOTHER AFTER 10-YEAR-OLD DAUGHTER. AND IN MY FREE TIME I HOST A RADIO SHOW FOR PROGRESSIVE MOTHERS ON CO-OP RADIO, AUSTIN'S COMMUNITY RADIO STATION, 91.7 F.M. TODAY WE'RE GATHERED TO TALK ABOUT THE CITY OF AUSTIN'S ROLE IN MORE WORLDLY MATTERS. SPECIFICALLY THE WARS IN IRAQ AND AFGHANISTAN AS YOU SEE I'VE MADE YOU COPIES OF MY LITTLE RESEARCH AND MY LITTLE SPEECH RIGHT NOW. I WANT TO THANK THE CITY COUNCIL MEMBERS FOR BEING PRESENT TODAY AND LISTENING TO US BECAUSE I KNOW WE PROBABLY BOMBARD YOU ALL THE TIME WITH THIS KIND OF STUFF. BUT BACK IN EARLY FEBRUARY 2003 THE CITY OF AUSTIN PASSED A RESOLUTION OPPOSING THE INVASION OF IRAQ. I WANT TO THANK MS. GOODMAN FOR CO-SPONSORING THAT RESOLUTION. AUSTIN LEADERSHIP HAD THE MINDSET THAT NOW MORE THAN 300 AMERICAN CITIES SHARE IN OPPOSING THE WARS IN IRAQ AND AFGHANISTAN. THEY'RE UNJUST AND COSTLY ON SO MANY MORE LEVELS THAN JUST FINANCIAL. THERE'S INCLUDED IN THIS PACKET OF INFORMATION A STORY FROM THE AUSTIN CHRONICLE FROM '03 THAT MIKE CLARK MADISON WROTE THAT CITES DARRELL SLUSHER SAYING BACK THEN HE PROJECTED IT WOULD COST US ABOUT 77 MILLION AS A CITY ANNUALLY IN FEDERAL FUNDS THAT WILL NO LONGER TRICKLE DOWN TO US. BUT THAT IS COMPLETELY BLOWN OUT OF PROPORTION. AS YOU KNOW NOW, IT'S MORE OF ONE BILLION DOLLARS THAT IT'S COSTING US. I DON'T KNOW IF YOU KNEW THIS, BUT ON

MONDAY, A STATE REP FROM THE 90 ITS DISTRICT OF FORT WORTH FILED A BILL ASKING FOR THE IMPEACHMENT OF BUSH ON THE GROUNDS OF ILLEGAL INVASION. HE CHARGES BUSH WITH HIGH CRIMES AND MISDEMEANORS. WE'RE NOT ASKING FOR THE CITY OF AUSTIN TO FOLLOW THAT ROLE. WE'RE NOT ASKING FOR AN AUSTIN IMPEACHMENT RESOLUTION, WE'RE JUST ASKING THAT DO YOU SOMETHING NOW TO HELP IN THE WAR. YOU HAVE A SOCIAL AND FINANCIAL RESPONSIBILITY TO US, YOUR CONSTITUENTS, YOUR CITIZENS OF AUSTIN. MOST RECENTLY AUSTIN WAS TOUTED AS THE GREENEST CITY IN AMERICA. CONGRATULATIONS. THIS IS DEFINITELY WORTHY OF A STANDING OVATION, BUT LET'S TAKE THAT A STEP FURTHER AND UNITE AS A CITY AND BE CONCERNED ABOUT OTHER ENVIRONMENTS BESIDES OUR OWN, NAMELY THE MIDDLE EAST. IT'S BEING SCATTERED WITH DELETED URANIUM RIGHT NOW. OUR SOLDIERS ARE COMING HOME SICK. I CANNOT -- LIKE SPENCER SAID, I CANNOT IMAGINE LIVING IN A WAR TORN CITY. IT'S JUST RIDDLED WITH ENVIRONMENTAL DEVASTATION. THE TO CITY COUNCILMEMBERS, PLEASE DO SOMETHING NOVEMBER, SOMETHING WITHIN YOUR PERSONAL COMFORT ZONE TO SHOW THAT WE REMAIN OPPOSED TO THE WARS. ASK WHAT YOU CAN DO TO STOP THE FUNDING, WHAT YOU CAN DO TO STOP THE CONTINUED EMERGENCY FUNDING BECAUSE REMEMBER THESE WARS ARE NOT A PART OF THE ANNUAL DOD BUDGET. IT'S COST US MORE THAN A BILLION DOLLARS, I'VE SAID THAT BEFORE. SO PLEASE I JUST URGE YOU TODAY TO ACT AGAINST THIS UNJUST WAR IN ANY WAY YOU FEEL YOU CAN. TAKE A STAND. BE BRAVE FOR THE LIVES OF OTHERS. BE BRAVE FOR AUSTIN AND REALLY SHOW YOUR LEADERSHIP ON THIS LEVEL. AND I'VE ALSO INCLUDED THE RESOLUTIONS, THE IRAQ RESOLUTIONS, THE PATRIOT ACT RESOLUTION, THE ARTICLE FROM THE AUSTIN CHRONICLE AS WELL AS AN ARTICLE PUBLISHED BY Z NET THAT DESCRIBES THE CURRENT STATUS OF ALL THE CITIES IN AMERICA WITH WHO HAVE PASSED RESOLUTIONS AGAINST THE WAR. WE REPRESENT ALMOST 60 MILLION AMERICANS AND THOSE ARE JUST THE PEOPLE WHO SPEAK OUT. THANK YOU SO

MUCH. HAVE A GREAT DAY.

Mayor Wynn: THANK YOU, MS. FRISCO.

AND SO THE FINAL THING WE COME HERE TODAY TO ASK YOU, MAYOR WYNN, COULD YOU PLEASE ASSOCIATE LOCATE A SISTER CITY IN IRAQ? COULD WE PLEASE AS THE CITY OF AUSTIN REACH OUT TO THE PEOPLE IN IRAQ AND RA MAD DI, IN....? COULD WE PLEASE?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WANT TO GET SOME CLARIFICATION. YOU HAD SOME KIND OF PROBLEMS AT CITY HALL AND IT WAS MY UNDERSTANDING THAT YOU DID HAVE AUTHORIZED ACCESS FOR YOUR MEETING GROUP AT CITY HALL, SO WHAT EXACTLY WAS THE PROBLEM?

THERE WAS NO PROBLEM IN WHAT I SPECIFICALLY REQUESTED, AND THANK YOU, COUNCILMEMBER LEFFINGWELL, FOR ALLOWING ME TO CLARIFY. I SAW THAT I NEEDED A GREEN ROOM FOR OUR HONORED GUESTS. THROUGH YOUR OFFICE I REQUESTED ACCESS FOR THE BOARDS AND COMMISSIONS ROOM. I AWE SIFTED ME WITH THAT. WHAT I DID NOT PREDICT IS THAT I WOULD HAVE 3,000 PEOPLE. I WAS EXPECTING 1500. 3,000 PEOPLE HIT THE PLAZA. ONE BATHROOM, ONE WATER FOUNTAIN. WE HAD THE JAVA COFFEE SHOP OPENED. I HAD PEOPLE COMING AND SWARMING ME BACKSTAGE SAYING WHERE IS THE BATHROOM? WHERE IS THE AIR CONDITIONING, MY ELDERLY MOM IS WITH ME. IF I COULD HAVE HAD SIMPLE ACCESS TO THE ATRY UM, IF YOU COULD HAVE LOCKED THE OTHER DID DOORS AND ALLOWED PEOPLE TO COME IN, WASH UP. WE HAD PEOPLE WITH LITTLE CHILDREN IN STROLLERS WHO GOT HOT ON THE MARCH. 10 MINUTES WOULD HAVE MADE A WORLD OF DIFFERENCE. MANY OF THOSE FAMILIES LEFT BECAUSE THEY NEEDED ACCESS TO A PUBLIC RESTROOM FACILITY.

Leffingwell: SO IT'S MY UNDERSTANDING THAT THE ATREEIUM IS ALWAYS OPEN TO THE PUBLIC. COULD

I ASK THE CITY MANAGER TO RESPOND TO THAT?

Futrell: THIS IS THE FIRST I'VE ACTUALLY HEARD ABOUT THIS. I ALSO THOUGHT THAT YOU WERE ALLOWED TO COME IN AND USE THE RESTROOM ONE BY ONE. AND I CAN SEE JILL COMING UP TO HELP ANSWER THE QUESTION. PART OF THE ISSUE IS WE AREN'T ABLE TO -- THE WAY THE BUILDING IS DESIGNED TO LOCK ALL THE DOORS. IF YOU LOOK AT THE CONSTRUCTION OF THE BUILDING, THE FLOORS ARE OPEN. THE STAIRWELL, FOR EXAMPLE, GOES DIRECTLY UP. THE FLOORS ARE NOT LOCKED DOWN, SO, FOR EXAMPLE, THE WHOLE SUITE OF OFFICES UP ON THE THIRD FLOORS THOSE DOORS REMAIN OPEN ALL THE TIME. SO IT'S AN OFFICE BUILDING, SO YOU HAVE COMPUTERS, ALL KIND OF THINGS THAT ARE OPEN. SO I HAVE TO IMAGE THAIN PART OF THE ISSUE IS YOU HAD ONE SECURITY GUARD HERE WHO PROBABLY HAD 3,000 PEOPLE ALL AFTER SUDDEN AND WAS WORRIED ABOUT WHAT WAS GOING TO HAPPEN WITH 3,000 PEOPLE IN THE BUILDING, BUT MAYBE JILL YOU CAN GIVE SOME DETAIL. THIS IS THE FIRST I'M HEARING ABOUT IT.

MY NAME IS JILL (INDISCERNIBLE), I'M THE CITY OF AUSTIN'S BUILDING SERVICES OFFICER. THE ATRIUM IS TYPICALLY CLOSED TO THE PUBLIC ON SATURDAYS AND SUNDAYS. NO ONE REQUESTED THAT THE ATRY UM BE OPENED OR RESERVED FOR THE WEEKEND. COUNCILMEMBER LEFFINGWELL'S OFFICE DID REQUEST THE USE OF THE BOARD AND COMMISSION YOOM ROOM TO BE USED AS A GREEN ROOM FOR MS. CARPENTER AND THE ENTOURAGE AND MS. BENINI, WE WORKED WITH HER SPECIFICALLY ON THE NAMES OF THE PEOPLE WHO WERE ALLOWED IN THE FACILITY. WE HAD TWO GUARDS ON DUTY THIS WEEKEND AND WE HAD BOTH EXTERIOR RESTROOMS OPEN. THE ATRIUM WAS NOT REQUESTED TO BE USED AND IT TYPICALLY WOULDN'T HAVE BEEN OPENED ED OTHERWISE.

OKAY.

SO I GUESS JUST AS A FORMER CLUB OWNER AND

PROMOTER, I WOULD SAY PEOPLE AT MY EVENT THERE WAS NO TROUBLE, THE A.P.D. WAS WONDERFUL, THE STAFF WAS UNIFORMLY WONDERFUL. I WAS JUST WONDERING IF WITH VELVET ROPES, PUT SIGNS, BE ELEVATORS CLOSED. I'M JUST THINKING THAT WE HAVE THIS LOVELY CITY HALL PLAZA, WE HAVE LARGE EVENTS, BUT THE BASIC ACCESS, SMALL PROBLEM TO BE WORKED OUT.

AND ACTUALLY, IN THE SAME WAY THE COUNCILMEMBER GOT YOU THE BOARDROOM, THE ATRIUM, JUST LIKE THE BOARDROOM, THE ATRIUM COULD HAVE BEEN BE ALSO RESERVED.

TRULY MY FAULT.

WE CAN DO THAT. THAT'S PART OF THE DISCUSSION HERE IS THAT YOU HAVE -- WE HAVE THE PLAZA, THE AMP PA THEATER AND THE MEDIA ROOM THAT ARE COMPLETELY OPENED TO THE PUBLIC AND RESERVED AND FREE. AND THEN WE HAVE THREE OTHER AREAS, THE ATRIUM, THE CHAMBERS AND THE BOARDROOM THAT ARE OPEN WITH ONE COUNCIL SPONSOR THAT WE ALSO HELP AND PROVIDE ASSISTANCE AND OPEN TO THE PUBLIC FOR. IT SOUNDS LIKE WE DIDN'T MANAGE TO UNDERSTAND WHAT YOU WERE GOING TO NEED TO BE ABLE TO PREARRANGE FOR THAT. WE PROBABLY WOULD HAVE BROUGHT ON MORE SECURITY IN ORDER TO DO THE BLOCKOFF THAT YOU TALKED ABOUT HAD WE KNOWN THAT'S WHAT YOU NEEDED.

THANK YOU. THANK YOU, COUNCILMEMBER LEFFINGWELL.

Mayor Wynn: THANK YOU, MS. BENINI. BY THE WAY, AN INTERESTING THOUGHT. WE WERE WORKOGOUR FIRST SISTER CITY IN A MUSLIM COUNTRY RIGHT NOW. IT'S A LENGTHY PROCESS. I TRAVELED TO THE MIDDLE EAST LAST AUGUST, LED A DELEGATION OF JEWISH, CHRISTIAN AND MUSLIM AUSTINITES. AND TECHNICALLY THE CITY WE'VE BEEN WORKING WITH PRELIMINARILY IS A CITY IN TURKEY, BUT ONE OF MY GOALS SPECIFICALLY WAS TO HAVE A

SISTER CITY IN A MUSLIM COUNTRY. SO THANK YOU FOR THE SUGGESTION.

THANK YOU, BUT THAT DOESN'T -- THAT STILL DOESN'T ADDRESS -- MAYBE WE CAN GET A SISTER CITY IN IRAQ.

Mayor Wynn: THERE'S A LOT OF WORK.

BUT ALSO KNOW THAT THIS COUNCIL HAS SUPPORTD FOR FOUR YEARS THE CITY OF AUSTIN ASSISTING BAGHAD DIRECTLY IN ALMOST MONTHLY OUTREACH IN WORKING WITH THEIR FIRE SERVICE AND MANY OF THEIR MUNICIPAL FUNCTIONS IN TRYING TO HELP THEIR MUNICIPAL FUNCTIONS GET BACK UNDERWAY. WE WORKED DIRECTLY WITH THEIR FIRE CHIEF, WITH MANY OF THE CITY FUNCTIONS IN HELPING DIRECTLY.

THANK YOU VERY MUCH. I FEEL THAT THERE ARE SO MANY CITIES WHO HAVE TAKEN A STAND, BUT I THINK THAT THE CITY OF AUSTIN CAN TAKE A MORE VOCAL STAND AND KIND OF GET THAT BANDWAGON ROLLING AND THEN OTHER CITIES WILL TAKE ON AND GET ON THAT BANDWAGON AS WELL.

Mayor Wynn: THANK YOU. COUNCILMEMBER KIM.

Kim: AS FOR THE COMMENT ABOUT THE WAR IN IRAQ, WE AS A COUNCIL HAVE OFFICIALLY A POLICY THAT WE DON'T PASS RESOLUTIONS THAT ARE NOT REALLY DIRECTLY RELATED TO CITY BUSINESS. WE COULD BE HERE ALL DAY. ACTUALLY, IF THERE WERE AN ABILITY TO DO THAT, THEN THERE ARE A LOT OF THING THAT I WOULD LIKE TO GET DONE THROUGH OUR RESOLUTIONS; HOWEVER, WE AS INDIVIDUALS ARE PARTICIPATING IN SUPPORTING CANDIDATES FOR PRESIDENT. I AM IN PARTICULAR. AND SO YOU DO SEE YOUR COUNCIL WORKING ACTIVELY TO STOP THIS WAR AND WAYS TO MAKE SURE THAT WE HAVE THE RIGHT LEADERSHIP IN WASHINGTON, D.C. I WANT TO ASK OUR CITY ATTORNEY ABOUT POLITICAL ACTIVITIES AND MEETINGS INVOLVING CITY HALL. MY UNDERSTANDING IS -- MY

EXPERIENCE HAS BEEN, AND I'VE BEEN TO COURTHOUSES IN WEST TEXAS WHERE WE'VE HAD A DEMOCRATIC CLUB MEETING AND IT HASN'T BEEN AN ISSUE, AND SO IS THAT SOMETHING THAT WE COULD ALLOW IS THOSE TYPE OF MEETINGS, PRESS CONFERENCES FOR COUNCIL CANNED CANDIDATES? WHAT IS THE POLICY ON THAT? OF HE.

THE POLICY THAT HAS BEEN APPLIED HERE IS TO PROHIBIT POLITICAL ACTIVITY IN CITY HALL. THERE IS AN EXPRESSED PROHIBITION IN OUR CODE FOR ANY POLITICAL FUND..... FUND-RAISING IN CITY HALL. AND ALSO THE STATE ELECTION CODE PROHIBITS THE USE OF PUBLIC FUN, PUBLIC PROPERTY FOR POLITICAL PURPOSES. SO WHEN WE DEVELOPED THE BUILDING USE POLICY, WE LOOKED AT WHAT CITY RESOURCES, INCLUDING STAFF TIME, LOOK OF THE TELEVISION, THAT SORT OF THING, WOULD CONSTITUTE POLITICAL ADVERTISING AND CRAFTED THE POLICY IN SUCH A WAY TO LIMIT LIABILITY FOR CITY EMPLOYEES FOR VIOLATING THAT STATE LAW.

ALL RIGHT. I'D LIKE TO LOOK AT WHY WE'RE DIFFERENT FROM OTHER CITIES AND COUNTIES IN TERMS OF USE OF OUR CITY HALL FOR IN PARTICULAR POLITICAL CLUB MEETINGS BECAUSE I THINK THAT'S SOMETHING THAT IS PREVALENT IN TEXAS. IT'S NOT UNUSUAL AND WE SHOULD BE ALLOWED TO DO THAT AND HAVE THAT FOR ORGANIZATIONS HERE. THEY'RE UNDER THE SAME STATE LAW SO I DON'T SEE WHY WE'RE GOING AN EXTRA STEP TO INTERPRET THAT MORE CONSERVATIVELY THAN OTHER JURISDICTIONS. BUT I CAN UNDERSTAND THE PROHIBITION ON FUND-RAISING IN A CITY BUILDING, AND I DON'T THINK THAT'S WHAT THESE GROUPS ARE ASKING FOR. I WOULDN'T SUPPORT THAT, BUT AS FAR AS ALLOWING GROUPS TO HOLD THEIR MEETINGS AND EXPRESS THEIR POLITICAL VIEWS, I DON'T SEE A PROBLEM WITH THAT.

WE'D BE HAPPY TO LOOK INTO THAT AND GET BACK TO COUNCIL. MOISTURE MAYOR FURTHER

COMMENTS --

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MARTINEZ.

Martinez: ONE THING THAT COUNCILMEMBER KIM JUST MENTIONED IS WE HAVE A POLICY OF NOT TAKING A POSITION ON THINGS LIKE THE WAR. I WANT TO MAKE IT CLEAR THAT IT'S A PRACTICE, NOT A POLICY. WE HAVE AS THE COUNCIL HAVE ADOPTED A PRACTICE OF NOT ADOPTING RESOLUTIONS.

[INAUDIBLE - NO MIC].

Martinez: BUT WE CAN ADOPT ANY RESOLUTION THAT THE CITY COUNCIL SEES FIT TO ADOPT.

Mayor Wynn: RIGHT. AGREED. COUNCILMEMBER COLE.

Cole: I GUESS I ALSO WOULD LIKE TO ASK MS. GILCHRIST FOR A FEW QUESTIONS. WERE THERE ANY STATE LAW PROHIBITIONS REGARD THE USE OF EQUIPMENT IN AREAS THAT WE DON'T ALLOW THE PUBLIC TO MEET IN WITHOUT A CITY COUNCIL APPROVAL? YOU MENTIONED ABOUT POLITICAL ACTIVITY AND I UNDERSTAND THAT. AND WE HAVE TO BE CAREFUL ABOUT POLITICAL ACTIVITY INSIDE A CITY HALL, BUT I'M TRYING TO UNDERSTAND IF THERE WERE ANY OTHER STATE LAW PROHIBITIONS THAT PROHIBIT US FROM USING THE OTHER CITY HALL FACILITIES?

WE ALWAYS HAVE TO BE COGNIZANT OF THE CONSTITUTIONAL PROHIBITION AGAINST PRIVATE USE OF PUBLIC PROPERTY. AND ONE OF THE THING THAT WE LOOKED BE AT CAREFULLY WHEN WE CRAFTED THIS POLICY WAS WHEN CITIZEN USE ALSO HAS A PUBLIC PURPOSE. I'M NOT SURE THAT THAT ADDRESSES YOUR QUESTION.

Cole: I GUESS I'M GOING TO REQUEST THAT WE MEET AND DISCUSS, I GUESS ALONG WITH FORMER COUNCILMEMBER JACKIE GOODMAN AND MARY ARNOLD, TO WORK ON TRYING TO MAKE SOME

REVISIONS TO THE POLICY THAT ARE LEGALLY SOUND, BUT AT THE SAME TIME ALLOW MORE ACCESS TO CITIZENS WITHOUT NECESSARILY HAVING COUNCILMEMBER APPROVAL.

COUNCILMEMBER, LET ME SUGGEST THIS BECAUSE WE HAVE MADE OUR RECOMMENDATION. WE'VE BEEN DOING THIS NOW FOR ALMOST A YEAR. WE ARE READY TO ACCEPT ANY POLICY DIRECTION YOU ALL GIVE US. WE HAVE NOW GONE TO BOARDS AND COMMISSIONS. WE HAVE LISTENED TO CITIZENS. WE HAVE REVISED THE POLICY NOW TWICE, BUT OUR RECOMMENDATIONS ARE ON THE TABLE AND REALLY -- WE ARE REALLY READY NOW, IF YOU WOULD LIKE A DIFFERENT POLICY ON USE OF THE ROOM -- IN FACT, DO WE HAVE THE GRAPH BY ANY CHANCE THAT CAN GO UP? WHAT YOU HAVE UP ON THE WALL, YOU CAN SEE THE CURRENT POLICY-- I'M GOING TO GIVE THIS TO YOU VERY, VERY QUICKLY. YOU HAVE THREE ROOMS IN THIS FACILITY OR THREE AREAS IN THIS FACILITY THAT ARE -- THAT'S IN THE DARK GOLDENROD AREA THAT ARE COMPLETELY OPEN AND FREE TO BE RESERVED FOR THE PUBLIC. THEY ARE THE FULL PLAZA AREA, THE AMP FA THEATER, AND THAT INCLUDES GOING UP ON TO THE BALCONES, AND THEN A MEDIA ROOM THAT'S ALSO FREE TO THE PUBLIC FOR RESERVATION. WE MANAGE THOSE RESERVATIONS, WE COVER YOU ON THAT. ANYONE FROM THE PUBLIC CAN USE THOSE AND RESERVE THOSE AND THEY ARE HEAVILY USED BY THE PUBLIC. THE LIGHT YELLOW COLORS, THE CHAMBERS, THE BOARD AND COMMISSION ROOM AND THE ATRIUM, ARE THE AREAS -- THIS IS ONE OF THE ADJUSTMENTS THAT WE'VE MADE -- IS WHERE WITH JUST ONE SINGLE COUNCILMEMBER SPONSORING YOU, THE PUBLIC CAN ALSO COME IN AND USE THESE FACILITIES. SO AN E-MAIL SMAIL TO A COUNCILMEMBER, A CALL TO A COUNCILMEMBER, A VISIT TO A COUNCILMEMBER, YOU CAN ALSO USE THIGHS FACILITIES. AND THEN OF COURSE YOU SEE IN THE PURPLE THOSE ARE TWOT RETAIL SPACES AND ON THE FIRST FLOOR THAT IS ALL OFFICE. ALL THE SPACE ABOVE ARE ALL WORKING SPACE ABOVE IN THE CITY HALL. AT THE END OF THE DAY OUTSIDE OF THE LEGAL

ISSUES ON THE POLITICAL AND PRIVATE USE, WHICH WILL BE THE CASE NO MATTER WHAT WE DO, THE REST OF IT IS JUST A POLICY DISCUSSION AND A RESOURCE ISSUE. THAT'S ALL IT IS. IF YOU WANT TO CHANGE THE USE IN THE CHAMBERS AND MAKE IT WITHOUT A COUNCIL SPONSOR, THEN WHAT WE WOULD LIKE TO DO IS WE'LL TALK WITH YOU ABOUT RESOURCES AND WE'LL MAKE IT. JUST GIVE US THAT DIRECTION. WE'RE READY TO GO.

Cole: I'D LIKE TO TALK ABOUT THAT.

GOOD. BRING AN ITEM FORWARD.

Cole: OKAY.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: I HAVE TO COMMENT ON THIS. I FEEL SOMEWHAT RESPONSIBLE, BUT NOT BAD ABOUT HAVING THIS ITEM COME FORWARD BECAUSE I DID PUT IT ON THE AGENDA AND I DID ASK FOR IT TO GO TO ONE OF OUR BOARD AND COMMISSIONS SO WE COULD HAVE PUBLIC INPUT. BUT THE CITY MANAGER JUST STATED THAT STAFF CAME FORWARD WITH POLICY AND THAT STAFF TWEAKED THE POLICY, AND I THINK COUNCILMEMBER COLE'S REQUEST IS MAYBE WE CAN DO SOME MORE TWEAKS TO THE POLICY AND IMPROVE IT. I DON'T SEE WHY WE AS A BODY NECESSARILY HAVE TO PASS SOME KIND OF RESOLUTION TO IMPROVE A POLICY THAT CLEARLY HAS BEEN BROUGHT FORWARD TO US FROM STAFF. SO I'M HAPPY TO VOTE ON WHATEVER IT IS THAT WE NEED TO TAKE ACTION ON TO MAKE CHANGE, I JUST DON'T THINK IT'S ALWAYS NECESSARY. I THINK THAT IF STAFF CAN LISTEN TO THE PUBLIC, TAKE PUBLIC INPUT AND CAN ADMINISTRATIVELY AMEND THAT POLICY, THEN THAT'S A MORE PRUDENT MANNER TO PROCEED WITH.

I GUESS WHAT I'M ASKING FOR YOU ALL TO TELL US IS WE HAVE LISTENED, WE'VE GONE TO BOARDS AND COMMISSIONS AND WE'VE TALKED WITH ALL OF YOU ALL INDIVIDUALLY. WE'VE MADE A RECOMMENDATION AND THEN WE WENT BACK

BASED ON ALL THAT FEEDBACK AND WE MADE THE ADMINISTRATIVE CHANGES TO THE ADMINISTRATIVE BULLETIN ON USE. SO WE HAVE IN FRONT OF YOU OUR BEST RECOMMENDATION BASED ON OUR CURRENT RESOURCES AND OUR ADVICE FROM THE LAW DEPARTMENT. SO I GUESS ALL I'M TRYING TO SAY IS IF YOU'RE NOT HAPPY WITH THE ADMINISTRATIVE USE OF THE BUILDING AS POLICYMAKERS WE'RE WILLING TO ACCEPT ANY DIRECTION YOU WOULD LIKE TO GIVE US ON IT. JUST LET US KNOW WHAT IT IS AND WE'LL MAKE THAT CHANGE.

Mayor Wynn: COUNCILMEMBER KIM.

Kim: CITY MANAGER, I THINK THERE ARE A LOT OF THING WE NEED TO CONSIDER. THERE ARE PEOPLE WHO HAVE COME HERE TODAY WITH A SPECIFIC USE IN MIND AND A NEED, BUT WE ALSO HAVE THE RESOURCE CONSTRAINTS, FOR EXAMPLE, BE I'M NOT SURE IF WE NEED TO HAVE MORE GUARDS HERE ON A SATURDAY IF THERE'S GOING TO BE A DEMONSTRATION OR A GROUP OF 300 PEOPLE. I'M NOT REALLY SURE WHAT THE POLICY SHOULD BE ON THAT. PRARS ALSO, THERE ARE TIMES WHEN I'VE NEEDED THE BOARD AND COMMISSION ROOM FOR ONE OF MY SUBCOMMITTEE MEETINGS AND IT HASN'T BEEN AVAILABLE. AND IT'S VERY DIFFICULT WITH THREE COUNCILMEMBERS JUGGLING OUR SCHEDULE BECAUSE THAT ROOM IS BOOKED AND THAT'S THE ONLY ROOM THAT IS EQUIPPED WITH THE AV TO BE ABLE TO TAPE AND TELEVISION OUR MEETINGS. SO WE HAVE TO I THINK DO A LITTLE MORE WORK ON THIS. ANOTHER ISSUE IS THE AV EQUIPMENT. I WOULDN'T EVEN KNOW HOW TO TURN ON THE LIGHTS IN THIS ROOM. IT IS SO COMPLICATED THE ELECTRONIC AND THE LIGHTING SYSTEM HERE. SO THAT'S ALSO SOMETHING THAT WE NEED TO ADDRESS AS WELL AS HAVING THE STAFF HERE FOR THE PEOPLE WHEN THEY NEED TO BE ABLE TO USE THE EQUIPMENT IN THIS ROOM.

IF WE EXPAND THE USE, WE ARE GOING TO NEED ADDITIONAL RESOURCES. IT'S NOT A LOT AND I'M NOT SAYING THAT IN A WAY TO DISCOURAGE THE CHANGE IN THE POLICY. IT WILL NOT BE AN

EXTRAORDINARY DIFFERENCE, BUT WE WILL NEED SOME ADDITIONAL RESOURCES. YOU HAVE THREE THINGS LOGISTICALLY THAT IMPACT RESOURCES, SECURITY, I.T., AV HELP, AND CLEANUP AFTERWARDS. THOSE ARE NOT MASSIVE, BUT THEY WILL TAKE SOME ADDITIONAL RESOURCES, MORE THAN WHAT WE HAVE NOW. AND WE CAN ADJUST THOSE AND WILL ADJUST THOSE BASED ON ANY ADDITIONAL USE YOU WANT US TO HAVE ON THE BUILDING. WE JUST DID A RECENT CHECK ON THE USE IN THIS BUILDING, IN THE CHAMBERS, AND I THINK JILL YOU DID THE ADJUSTMENT IN DECEMBER OR JANUARY, LESLIE, WHICH WAS IT? DECEMBER. WHY DON'T YOU TELL US CURRENTLY. I THINK WE'VE BEEN IN THE BUILDING NOW MOVING ON OUR THIRD YEAR?

WE LOOKED AT USAGE OVER 2006 KIND OF ON A MONTH BY MONTH BASE. WE GOT AS HIGH AS 56% FOR THE COUNCIL CHAMBERS OF THE TIME OF DECEMBER, AND KIND OF ON BOARDS AND COMMISSIONS I THINK OUR HIGH MONTH WAS JUNE, 51%.

Futrell: OKAY. SO WE JUST FINISHED TWO FULL YEARS IN THE BUILDING. WE'RE NOW AT ABOUT 50% USE OF THE ROOMS, SO WE'RE GETTING OUR FEET UNDER US ON IT. WE'RE STILL PROBABLY TELEVISIONING ABOUT 50% OF OUR BOARDS AND COMMISSIONS FROM THE BEGINNING OF THE DECADE. WHATEVER ADDITIONAL COVERAGE WE NEED IN THE ROOMS WE WILL TELL YOU WHAT THOSE RESOURCES ARE AND WE WILL BE GLAD TO DO IT. I GUESS ALL I'M TRYING TO SAY IS WE HAVE KIND OF EXHAUSTED OUR PROCESS OF GOING THROUGH WHAT OUR BEST RECOMMENDATION IS AND WE STAND READY TO TAKE WHATEVER ADDITIONAL DIRECTION YOU WOULD LIKE TO GIVE US ON THIS AND MAKE THOSE CHANGES. WE APPROACH THIS AS AN ADMINISTRATIVE BULLETIN. WE WILL USE IT AS AN ADMINISTRATIVE BULLETIN. IT DOESN'T REQUIRE A VOTE, JUST GIVE US A DIRECTION. AND THEN WE WILL MAKE THOSE CHANGES.

Mayor Wynn: FAIR ENOUGH. THANK YOU ALL -- NO,

MR. ROBBINS, WE'VE GOT BUSINESS TO DO. COUNCIL, EARLIER IN EXECUTIVE SESSION WE TOOK UP ITEM 47, LEGAL ISSUES CONCERNING THE CITY OF AUSTIN VERSUS REICHOLD NORPTD. WE HAVE ACTION ITEM NO. 5. WELCOME A BRIEF STAFF RECOMMENDATION.

THIS IS ITEM NUMBER 5, AS YOU MENTIONED, MAYOR. I MOVE THE COUNCIL TO APPROVE AN AMENDMENT TO THE LEGAL SERVICE CONTRACT WITH KEMP SMITH LLP FOR LEGAL COUNSEL REGARDING CITY OF AUSTIN VERSUS REICHOLD INC. IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT, AUSTIN DIVISION, IN THE AMOUNT OF \$300,000 FOR A TOTAL CONTRACT NOT TO EXCEED \$1,025,000. FUNDING IN THE AMOUNT OF \$300,000 IS AVAILABLE IN FISCAL YEAR 2006-2007. OPERATING BUDGET OF THE LIABILITY RESERVE FUND. MOVE APPROVAL.

Mayor Wynn: IT'S NOT YOUR POSITION TO MAKE A MOTION, BUT APPRECIATE THE BRIEFING. [LAUGHTER] SO COUNCIL, AGAIN, WE TOOK UP DISCUSSION OF THE -- APPROPRIATELY IN CLOSED SESSION OF THE LEGAL ISSUE REGARDING THIS. QUESTIONS FOR STAFF CONCERNING OUR POSTED ACTION ITEM NO. 5? IF NOT, I WILL ENTERTAIN A MOTION FROM COUNCIL? MOTION MADE BY COUNCILMEMBER MARTINEZ, SECONDED BY COUNCILMEMBER COLE TO APPROVE ITEM NO. 5 AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO. THANK YOU ALL VERY MUCH.

THANK YOU.

Mayor Wynn: OKAY. COUNCIL, I BELIEVE WE STILL HAVE NO POSTED DISCUSSION ITEMS UNTIL EITHER MORE EXECUTIVE SESSIONS OR OUR 4:00 O'CLOCK ZONING CASES, SO WITHOUT OBJECTION, WE WILL NOW GO BACK INTO CLOSED SESSION PURSUANT TO 551.071 OF THE OPEN MEETINGS ACT TO TAKE UP

POTENTIALLY ITEM NUMBER 44 REGARDING THIS LEGISLATIVE SESSION AND PURSUANT TO SECTION 551.074, POTENTIALLY TWO PERSONNEL ITEM, 49 RELATED TO THE PERFORMANCE EVALUATION OF THE CITY CLERK, AND 50, RELATED TO THE PERFORMANCE EVALUATION OF THE CITY AUDITOR. WE ARE NOW IN CLOSED SESSION. I DON'T ANTICIPATE US COMING BACK OUT INTO OPEN SESSION UNTIL JUST BEFORE FOUR A.M. THANK YOU. -- FOUR P.M. THANK YOU. TEST TEST JUNIORS.

THE COUNCIL IS OUT OF CLOSED SESSION. IN CLOSED SESSION WE FINISHED DISCUSSION ITEM NO. 44 RELATED TO THE LEGISLATIVE SESSION. NO DECISIONS WERE MADE. WE ALSO TOOK UP TWO PERSONNEL MATTERS, ITEM 49 AND 50, PERFORMANCE EVALUATIONS OF OUR CITY CLERK AND CITY AUDITOR. WE HAVE FINISHED THOSE DISCUSSIONS IN CLOSED SESSION IS NOW WE HAVE COMPLETED OUR EXECUTIVE SESSION AGENDA ITEMS FOR THIS MEETING. AND SO WE WILL NOW BE IN RECESS UNTIL 3:45, APPROXIMATELY ONE HOUR. THANK YOU.

Mayor Wynn: AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT'S ABOUT THREE MINUTES BEFORE 4:00. WE'VE BEEN IN RECESS FOR A LITTLE OVER ONE HOUR HAVING FINISHED OUR CLOSED SESSION AGENDA FOR THE DAY EARLIER AROUND 2:45. IN THAT CLOSED SESSION WE TOOK UP TWO PERSONNEL MATTERS, THE PERFORMANCE EVALUATION OF BOTH OUR CITY CLERK AND CITY AUDITOR. WE HAVE TWO POSTED ACTION ITEMS RELATED, THOSE BEING ITEMS 30 AND 31 REGARDING OUR RESOLUTIONS -- REGARDING THE COMPREHENSION AND BENEFITS FOR BOTH THE CITY CLERK AND AUDITOR. WITH THAT PERHAPS A BRIEF PRESENTATION OR JUST HAVE OUR HR DEPARTMENT HAND OUT THE ORDINANCE AS COUNCIL DISCUSSED.

GOOD AFTERNOON, MAYOR AND COUNCIL. MY NAME IS VIAL I CAN'T GONZALES AND I'M THE ASSISTANT DIRECTOR OVER THE HUMAN RESOURCES DEPARTMENT. THE FIRST RESOLUTION

IS FOR THE CITY CLERK SHIRLEY GENTRY TO DID INCREASE THE SALLY TO 112,484. IN ADDITION TO INCREASE THE PERSONAL LEAVE TO A RATE OF 7.67 HOURS VACATION WITH A MAXIMUM ACCRUAL OF 400 HOURS.

Mayor Wynn: SO COUNCIL, AGAIN, I THINK THIS ORDINANCE MIRRORS THE DISCUSSION THAT WE HAD IN CLOSED SESSION. I'LL ENTERTAIN A MOTION OR COMMENTS.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MARTINEZ TO APPROVE THIS RESOLUTION AS PRESENTED BY HR STAFF. I'D LIKE TO ADD THAT WE ARE -- WE HOPE THIS IS RECOGNIZED AS A STRONG VOTE OF CONFIDENCE. I BELIEVE THAT OUR CITY CLERK DOES A FINE JOB AND SHE HAS A GREAT OFFICE WHO HELPS BOTH THE COUNCIL, CITY STAFF, AND MORE IMPORTANTLY OUR CITIZEN ON A DAILY BASIS. SO THANK YOU AND CONGRATULATIONS MS. GENTRY. FURTHER COMMENTS ON OUR MOTION? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSE SND MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER COLE AND THE MAYOR PRO TEM OFF THE DAIS. AND OUR NEXT ITEM, THAT BEING THE CITY AUDITOR.

THE NEXT AUDITOR STEVE MORGAN, INCREASE HIS SALARY TO 123,592. ALSO INCREASING THE PERSONAL LEAVE AT A RATE OF 7-POINT SCWEFN A MAXIMUM ACCRUAL LIMIT OF 4 HOURS.

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Mayor Wynn: MOTION MADE BY COUNCILMEMBER KIM, SECONDED BY COUNCILMEMBER MCCrackEN TO APPROVE THIS RESOLUTION, TUNNEL NUMBER --

ITEM NUMBER 31 AS OUTLINED BY STAFF REGARDING THE COMPENSATION AND BENEFITS FOR OUR CITY AUDITOR. COMMENTS? COUNCILMEMBER KIM.

Kim: THE AUDITOR HAS TAKEN ON SOME PRETTY BIG PROJECTS FOR US, IN PARTICULAR WORKING ON THE PUBLIC SAFETY AUDIT THAT WILL HELP US IN OUR NEGOTIATION ON THOSE CONTRACTS, AS WELL AS WORK AT THE WATER UTILITY AND A VERY IMPORTANT ENTERPRISE FOUND OUR CITY THAT HAS A LOT OF PROJECTS THAT IT'S UNDERTAKING TO MEET CERTAIN ENVIRONMENTAL MANDATES AND JUST THE GROWING INFRASTRUCTURE NEEDS OF OUR CITY AS WELL AS AUSTIN ENERGY. AND IN PARTICULAR A REQUEST THAT I MADE FOR LOOKING AT THE SITE PLAN APPROVAL FOR NORTHCROSS MALL, THAT WAS VERY IMPORTANT FOR THE FWLOIK UNDERSTAND WHAT THE PROCESS WAS AND HOW -- HOW IT WAS FOLLOWED BECAUSE IT'S A COMPLICATED SITUATION. SO I DO WANT TO THANK OUR AUDITOR FOR HIS WORK, ONGOING WORK AND STAFF WITH HELPING US WITH OUR REQUESTS AS WELL AS MAKING SURE THAT WE ARE DOING STRATEGY PLAN FOG OUR DEPARTMENTS FOR OUR CITY.

Mayor Wynn: IF YOU, COUNCILMEMBER. FURTHER COMMENT? I'LL NOTE AGAIN THIS IS, WE BELIEVE, IT REFLECT THE GOOD JOB THAT WE HAVE SEEN OUR CITY AUDITOR AND HIS OFFICE GIVE US OVER THIS PAST YEAR. WE'RE PROUD THAT THIS KEEPS BOTH HIS OFFICE AND THE OFFICE OF OUR CITY CLERK IN LINE WITH OR AHEAD OF SLIGHTLY SORT OF OUR PEER CITY AND TEXAS CITY AVERAGE. WE WANT TO MAKE SURE THAT OUR KEY EXECUTIVES AT THE CITY OF AUSTIN ARE PAID A COMPETITIVE RATE BECAUSE WE BELIEVE WE ASK A LOT OF THEM AND THEY DELIVER A HIGH QUALITY OF SERVICE FOR US. SO WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THIS COMPENSATION PACKAGE FOR OUR CITY AUDITOR. FURTHER COMMENTS?

Mayor Wynn.: OPPOSED? MOTION PASSES AGAIN ON A VOTE OF FIVE TO ZERO WITH COUNCILMEMBER COLE AND THE MAYOR PRO TEM OFF THE DAIS.

THANK YOU, MS. GONZALES. SO COUNCIL, THAT TAKES US TO OUR 4:00 O'CLOCK ZONING CASES. WELCOME MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. LET ME GO THROUGH THE 4:00 O'CLOCK CONSENT ITEM. THE FIRST TWO ITEMS THAT I'LL OFFER FOR CONSENT ARE ZONING ORDINANCES AND RESTRICTIVE COVENANTS WHERE OUR PUBLIC HEARINGS HAVE BEEN CLOSED. OUR FIRST TFK IS ITEM NUMBER 51, CASE NP-05-0021. THIS IS PART OF THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD PLAN PLANNING AREA AT 1818 SOUTH LAKE SHORE DRIVE. THIS IS FOR SECOND AND THIRD READING APPROVAL FOR AN AMENDMENT TO OUR COMPREHENSIVE PLAN FOR THE EAST RIVERSIDE OLTORF COMBINED NEIGHBORHOOD AREA TO ESTABLISH A MIXED USE DESIGNATION ON THE FUTURE LAND USE MAP FOR THIS PROPERTY. ITEM NUMBER 52 IS CASE C-14-05-0112, THE RIVERSIDE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR AGAIN 1818 SOUTH LAKE SHORE BOULEVARD, AND THIS IS FOR THE REZONING OF THE PROPERTY FROM MULTI-FAMILY MEDIUM DENSITY, MF-3 DISTRICT ZONING TO MF-3-NP COMBINING DISTRICT ZONING. IN ADDITION IT WOULD ADD TO THAT A ZONING CHANGE WOULD CREATE THE NEIGHBORHOOD PLAN COMBINING DISTRICT AND IMPLEMENT THE LAND USE RECOMMENDATIONS OF THE NEIGHBORHOOD PLAN UNDER THE PROPOSED RIVERSIDE MPCD, A SMALL LOT AMNESTY PLACEMENT AND PROHIBIT PARKING IN THE FRONT YARD WOULD APPLY. AND THIS IS READY FOR SECOND AND THIRD READING AS WELL. THIS IS ITEMS 51 AND 52.

Mayor Wynn: SO COUNCIL OUR RECOMMENDED CONSENT AGENDA ON THESE CASE WHERE'S WE'VE ALREADY CONDUCTED A PUBLIC HEARING AND CLOSED IT IS TO APPROVE ON SECOND AND THIRD READING BOTH POSTED CASES ITEMS 51 AND 52 AS PRESENTED BY STAFF. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THIS CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE,

ALL THOSE IN FAVOR PLEASE SAY AYE. AYE?
OPPOSED? MOTION PASSES ON A VOTE OF SIX TO
ZERO WITH THE MAYOR PRO TEM OFF THE DAIS.

LET ME THEN CONTINUE ON TO THE OTHER 4:00
O'CLOCK ITEM IN THE PUBLIC HEARINGS THAT ARE
OPEN AND POSSIBLE ACTION. THE FIRST ITEM IS
CASE 53, C-14-06-200, THE KINGS WOOD
APARTMENTS AT 4318 BULL CREEK ROAD. THIS IS A
REZONING REQUEST FROM MULTI-FAMILY
RESIDENCE, MODERATE HIGH DENSITY OR MF-4
DISTRICT ZONE TO GO MULTI-FAMILY RESIDENCE
HIGHEST DENSITY CONDITIONAL OVERLAY
COMBINING DISTRICT ZONING. IT IS RECOMMENDED
TO YOU BY THE ZONING AND PLATTING
COMMISSION AND IS READY FOR CONSENT
APPROVAL ON ALL THREE READINGS. ITEM NUMBER
54 IS CASE C-14-06-0214, THE BRENTWOOD CHURCH
OF CHRIST LOCATED AT 11908.....11908 NORTH
LAMAR BOULEVARD. THIS WAS A REQUEST FROM
SF-5 DISTRICT ZONING. THE ZONING AND PLATTING
COMMISSION RECOMMENDATION WAS TO GRANT
THE URBAN FAMILY RESIDENCE CONDITIONAL
OVERLAY OR SF-5 CO COMBINING DISTRICT ZONING
AND GENERAL OFFICE CONDITIONAL OVERLAY
COMBINING DISTRICT ZONING. THIS IS READY FOR
CONSENT APPROVAL ON ALL THREE READINGS.
TECH NR.....ITEM NUMBER 55 IS THE C-14--06-234.
THIS IS A REZONING REQUEST FROM COMMERCIAL
LIQUOR SALES TO COMMERCIAL BUSINESS DISTRICT
IS ZONING. THE RECOMMENDATION TOFS GRANT
THE CENTRAL BUSINESS DISTRICT CONDITIONAL
OVERLAY COMBINING DISTRICT ZONING AND THIS
IS READY FOR CONSENT APPROVAL ON ALL THREE
READINGS. ITEM 56 IS CASE C-14--06-235 KNOWN AS
ZONE SWAP AND THAT'S MAINLY BECAUSE THEY
ARE SWITCHING ZONING DISTRICTS WITHIN AN
EXISTING CENTER TO ACCOMMODATE A PROPOSED
LIQUOR SALES USE. AT 3424 GREYSTONE DRIVE.
THIS IS TO REZONE PROPERTY FROM
NEIGHBORHOOD COMMERCIAL OR LR DISTRICT
ZONING AND COMMERCIAL LIQUOR SALES CS-1
DISTRICT ZONE TO GO COMMERCIAL LIQUOR SALES
AND NEIGHBORHOOD COMMERCIAL. THE ZONING
AND PLATTING COMMISSION RECOMMENDATION
WAS TO GRANT THE REQUEST AND THIS IS READY

FOR ALL THREE READINGS. ITEM 57 IS CASE C-14-H-06-0034. THIS IS THE NORTH AUSTIN SUBSTATION, CITY OF AUSTIN PROPERTY LOCATED AT 3701 GROOMS STREET. THIS IS TO REZONE THE PROPERTY FROM PUBLIC NEIGHBORHOOD CONSERVATION COMBINING DISTRICT NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING TO PUBLIC HISTORIC NEIGHBORHOOD CONSERVE BEVATION COMBINING DISTRICT ZONING NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION 'WAS TO GRANT THE HISTORIC ZONING AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 58 IS CASE C-14-06-0040, THE KREISLE BUILDING AT 412 CONGRESS AVENUE. THIS IS A REZONING REQUEST FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT HISTORIC COMBINING DISTRICT ZONING. THIS IS READY FOR ALL THREE READINGS.

THIS WOULD BE THE KREISLE BUILDING, BUILT BY MATT KREISLE'S GREAT GRAND FATHER.

59 IS THE DAVENPORT WEST RANCH P.U.D. AMENDMENT FOR THE 3300 TO 3328 BLOCK OF NORTH CAPITAL OF TEXAS HIGHWAY. THIS IS A REZONING FROM PLANNED UNIT DEVELOPMENT DISTRICT ZONE TO GO PLANNED UNIT DEVELOPMENT DISTRICT ZONE TO GO CHANGE CONDITIONS OF ZONING. THE ZONING AND PLATting COMMISSION RECOMMENDED THIS GREAT Q. AND THIS IS READY FOR CONSENT APPROVAL ON ALL READINGS. ITEM NUMBER 60 IS C-14-06-0191, THE FOX HILL PROPERTY AT 11421 TO 11717 SOUTH I-35 SERVICE ROAD NORTHBOUND. THIS REZONING REQUEST WE'VE RECEIVED A POSTPONEMENT REQUEST BY THE ONION CREEK HOMEOWNERS ASSOCIATION TO APRIL 19 ITS. THERE HAS BEEN TWO PREVIOUS POSTPONEMENTS ON THIS ITEM. ONE FROM AN ADJACENT PROPERTY OWNER THAT WAS GRANTED, ONE BY STAFF. THIS MOST CURRENT POSTPONEMENT REQUEST FROM THE ONION CREEK HOMEOWNERS ASSOCIATION, THE APPLICANT AGREES TO THE POSTPONEMENT AND STAFF WOULD SUGGEST THAT THIS CASE BE PROPOSED TO APRIL 19TH. ITEM NUMBER 61 IS CASE

C-14-06-222, THE ACS CORRECTIONS PROPERTY AT 3148 SH 71 EAST. THIS IS A REZONING REQUEST FROM INTERIM RURAL RESIDENCE DISTRICT ZONING TO PUBLIC DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION RECOMMENDED TO GRANT THIS REQUEST AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 62 IS CASE C-14-07-12, THE POST OFFICE MIXED USE PROJECT, PHASE ONE. FO THE PROPERTY LOCATED AT 506 WEST FIFTH STREET. THIS IS A REZONING REQUEST FROM CENTRAL BUSINESS DISTRICT ZONING TO CENTRAL BUSINESS DISTRICT CENTRAL URBAN REDEVELOPMENT OR CURE COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED TO GRANT THIS REQUEST AND IT'S READY FOR CONSENT APPROVAL ON ALL THREE READINGS. ITEM NUMBER 63 IS CASE C-14-07-0013, POST OFFICE MIXED USE PROJECT PHASE TWO FOR PROPERTY LOCATED ACROSS THE STREET AT 417 WEST SIXTH STREET. THIS IS A REZONING REQUEST FROM CENTRAL BUSINESS DISTRICT OR CBD DISTRICT ZONE TO GO CENTRAL BUSINESS DISTRICT CENTRAL URBAN REDEVELOPMENT COMBINING DISTRICT ZONING. THE PLANNING COMMISSION ALSO RECOMMENDS THIS REQUEST AND THIS IS READY FOR CONSENT APPROVAL ON ALL THREE READINGS. THE REMAINING ITEMS, ITEM NUMBER 64, WHICH IS NPA-OF-0019.01, THE EAST AVENUE P.U.D. FOR THE CONCORDIA PROPERTY AT 3400 NORTH I-35 AND THE RELATED ZONING ITEM, ITEM NUMBER 65, CASE C 814-06-0175 KNOWN AS THE EAST AVENUE P.U.D. AT THAT SAME REQUEST, STAFF WOULD SUGGEST THAT ITEM 64 AND 65 BE TABLED AT THIS TIME. WE STILL HAVE NOT RECEIVED INFORMATION UNLESS THEY'VE JUST WALKED IN THE ROOM, FROM THE APPLICANT AND THE NEIGHBORHOOD THAT HAVE BEEN NEGOTIATING THIS PAST WEEK THROUGH THE NIGHT, THROUGH THE DAY, AND AS FAR AS I KNOW ARE STILL NEGOTIATING AND HOPEFULLY THEY'LL ARRIVE BEFORE 6:00 O'CLOCK AND ALLOW STAFF TIME TO REVIEW THE ORDINANCE THAT THEY HAVE DRAFTED AND ALLOW STAFF TO TELL YOU IF IT'S A LEGAL ORDINANCE OR NOT AND EXPLAIN THE PROVISIONS OF THAT ORDINANCE. SO STAFF WOULD SUGGEST ITEM 64 AND 65 BE TABLED AT

THIS TIME UNTIL AFGHANISTAN OAK. UNTIL AFTER 6:00 O'CLOCK.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. GUERNSEY OR STAFF? COUNCILMEMBER COLE.

Cole: I ALSO HEARD FROM THE APPLICANT ON ITEM 66, AND THAT THEY ARE REQUESTING THAT IT BE POSTPONED. I KNOW WE CAN'T TAKE THAT UP UNTIL 6:00 O'CLOCK, BUT SINCE WE HAVE TWO ITEMS Tabled, IBted TO MAKE SURE THAT YOU WERE ALSO AWARE OF THAT.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO COUNCIL THEN OUR RECOMMENDED CONSENT AGENDA FOR THESE CASES WHERE WE WILL TECHNICALLY BE CONDUCTING THE PUBLIC HEARING IF WE'RE GOING TO TAKE ACTION, THAT IS, WILL BE TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 53, 54, 55, 56, 57, 58 AND 59. TO POSTPONE ITEM NUMBER 60 TO APRIL 19TH, 2007. TO CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS CASES 61, 62 AND 63. I'LL ENTERTAIN THAT MOTION.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCrackEN TO APPROVE THE CONSENT AGENDA AS READ. COMMENTS? I'LL JUST SAY FOR THE RECORD WE HAVE A NUMBER OF FOLK WHO HAD SIGNED UP ON A COUPLE OF THESE ITEMS ALL IN FAVOR, ALL NOT WISH TO GO SPEAK OR HERE TO ANSWER QUESTIONS, IF WE HAD THEM. I DON'T THINK WE WILL. SO WE'LL JUST NOTE THAT ALL OF THESE FOLKS WHO ARE HERE IN FAVOR OF THESE PROJECTS WILL BE NOTED INTO THE RECORD BY MS. GENTRY. SO AGAIN, A MOTION AND SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? COUNCILMEMBER MCCrackEN.

McCracken: I THINK IT'S A TESTAMENT MAYOR TO

YOUR LEADERSHIP AND A LOT OF FOLKS IN THIS ROOM TODAY THAT WE HAVE REALLY AN EXTRAORDINARY MOMENT WHICH IS THAT BLIGHTED CENTRAL POST OFFICE PAD DRIVE-THROUGH BUILDING WILL NOW BE CONVERTED INTO A HIGH QUALITY MIXED USE RESIDENTIAL DEVELOPMENT AND THAT OF THE ADJOINING BLOCKS. IT'S REALLY A PRETTY AMAZING MOMENT AND ALMOST MADE THE MOST AMAZING BY THE FACT THAT IT'S HAPPENING AS A COURSE OF BUSINESS BE. CONGRATULATIONS.

Mayor Wynn: CONGRATULATIONS EVERYBODY. AND I THINK THE FOLKS WILL BE PLEASED WITH THE PLAN FOR THE NEW POST OFFICE, WHICH IS ONE BLOCK TO THE WEST OF THE CURRENT ONE. IT'S GOING TO BE TWO STORY PEDESTRIAN FRIENDLY, MIXED USE BUILT INTO ESSENTIALLY THE PARKING STRUCTURE OF A RESIDENTIAL TOWER ABOVE IT, WIDE SIDEWALK, SHADE TREES, SHARED PARKING. JUST A REMARKABLE, REMARKABLE IMPROVEMENT FROM WHERE WE HAVE BEEN THE LAST 10 YEARS DOWNTOWN. MOTION AND A SECOND ON THE TABLE FOR THE CONSENT AGENDA. ALL IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES AGAIN ON A VOTE TO SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DAIS.

THE LAST TWO ITEMS WERE TABLING UNTIL --

...

Mayor Wynn: SO COUNCIL, OUR RECOMMENDATION IS THAT WE TABLE ITEMS 64 AND 65 IN THEORY WHILE SOME NEGOTIATIONS CONTINUE. THAT BEING THE CASE, THERE IS NO MORE ACTION ITEMS FOR COUNCIL, AND IT SOUNDS LIKE WE WILL BE POSTPONING ITEM NUMBER 66, OUR PUBLIC HEARING REGARDING A FLOODPLAIN VARIANCE -- I'M SORRY, AN APPEAL OF A PLANNING COMMISSION DECISION, BUT WE CAN'T TAKE THAT POSTPONEMENT UP UNTIL P.M. SO WITHOUT OBJECTION WE WILL NOW RECESS THIS MEETING OF THE CITY COUNCIL. WE WILL RECONVENE OR AT LEAST I AND MAY COUNCILMEMBERS WILL BE HERE AT 5:30 FOR OUR LIVE MUSIC AND PROCLAMATIONS.

Y'ALL STAY TUNED FOR THE LAMAR MIDDLE SCHOOL CHOIR AT 5:30. AND THEN SHORTLY AFTER OUR PROCLAMATIONS WE WILL TAKE ACTION ON THE PROPOSED POSTPONEMENT OF ITEM NUMBER 66 AND PERHAPS BE AVAILABLE TO TAKE ACTION ON ITEMS 64 AND 65, OUR EAST AVEN P.U.D. WE ARE NOW IN RECESS UNTIL 5:30. THANK YOU.

OKAY, FOLKS, WELCOME TO OUR WEEKLY LIVE MUSIC GIG, WE ARE IN FOR A SPECIAL TREAT BECAUSE WE ARE JOINED BY THE LAMAR SCHOOL SCOTTIC SINGERS COMPRISED OF SEVENTH AND EIGHTH GRADE GIRLS. THEY'VE WON FESTIVALS AROUND THE STATE AND WERE FEATURED PERFORMANCES IN WASHINGTON, D.C. SEVERAL YEARS AGO. AND THEIR DIRECTOR RECENTLY RECEIVED THE TEACHER OF THE WEEK AWARD. PLEASE JOIN ME IN WELCOMING THE LAMAR MIDDLE SCHOOL SCOTTISH SINGERS. (music) (SINGING) (music) (music) (APPLAUSE).

TELL US, WHERE CAN WE HEAR THE LADIES SING AGAIN? DO YOU ALL HAVE LIKE A WEBSITE? ARE THERE CD'S OR RECORDINGS AVAILABLE?

HOW DO WE SUPPORT THE SCOTTISH SINGERS?

WE HAVE A COMPETITION COMING UP IN APRIL, OUR ANNUAL COMPETITION, AND WE WILL BE SINGING THIS SONG ALONG WITH TWO OTHER PIECES AND WE'LL BE JUDGED WITH PEOPLE FROM ALL AROUND THE STATE. AND THEN OUR BIGGEST SHOW OF THE YEAR IS ON MAY 18 AT LAMAR MIDDLE SCHOOL, THAT IS WHY THE GIRLS AND ALL OF THE REST OF OUR CHOIRS GET TO PERFORM DISNEY SONGS BASED ON A THEME, AND THE THEME THIS YEAR IS "IMAGINE THAT!" AND WE ARE GOING TO DO MARY POPPINS AND PETER PAN, AND THERE IS DINNER AND LOTS OF ENTERTAINMENT. YOU CAN FIND US THROUGH THE AISD WEBSITE, GO TO SCHOOLS AND CLICK ON LAMAR SCHOOL AND YOU CAN FIND OUT.

WHERE IS THE COMPETITION HELD?

OUT IN HAYS, A LONG DRIVE.

AND WHEN WILL THAT BE?

APRIL 12.

BEFORE YOU GET AWAY, THIS READS BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES SOME CONT CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AWSENS'S SOCIAL AND CULTURAL DIVERSITY, AND WHEREAS THESE ARTISTS FURTHER OUR REPETITION AS CULTURAL CAP CAPITAL OF THE WORLD I PROCLAIM THIS DAY AS THE LAMAR MIDDLE SCHOOL SCOTTISH SINGERS DAY HERE IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THIS FINE YOUNG TALENT. (APPLAUSE)

FOR OUR FIRST PROCLAMATION TONIGHT WE'RE GOING TO HAND OUT TWO DISTINGUISHED SERVICE AWARDS AND THESE ARE OUT-GOING MEMBERS OF OUR CITIZENS POLICE REVIEW PANEL FOR OUR POLICE OVERSIGHT. I'M VERY PROUD THAT I WAS A MEMBER OF THE CITY COUNCIL FOUR OR FIVE YEARS AGO, WHENEVER THAT WAS WHEN WE CREATED FOR THE FIRST TIME CIVIL OVERSIGHT OF OUR POLICE DEPARTMENT, IT WAS AN IMPORTANT ROLE THAT WE PLAYED. IT HADN'T TECHNICALLY BEEN STRUCTURED BEFORE AND TOOK US A LONG TIME TO GET THERE, AND EVEN TOOK NEGOTIATIONS WITH THE UNION AND OTHERWISE TO MAKE SURE IT HAPPENED PROPERLY, BUT WE STRUCTURED A PROCESS HERE IN AUSTIN WHEREBY ORDINARY CITIZENS GET TO HELP US AS A COMMUNITY MAKE SURE, FRANKLY, THAT THERE IS TRUE CIVILIAN OVERSIGHT WHEN IT COMES TO POLICE CONDUCT AND POLICY DECISIONS. VERY FEW PEOPLE KNOW THIS BUT TECHNICALLY BECAUSE OF STATE LAW, AS MAYOR OF AUSTIN I'M PRECLUDED FROM SEEING CERTAIN INFORMATION ABOUT OUR POLICE DEPARTMENT AND THERE IS GOOD RATIONALE FOR THAT. IT TRIES TO TAKE POLITICS OUT OF IMPORTANT SERVICES LIKE POLICING. AS YOUR MAYOR, I DON'T GET TO ASK CERTAIN QUESTIONS OR SEE CERTAIN INFORMATION, BUT WE IN THIS COMMUNITY FELT IT

IMPORTANT THAT PERHAPS THE COMMUNITY HAS SOME OVERSIGHT, FOR VOICE AND SOME EYES IN WHAT OTHERWISE IS A COMPLICATED SERIES OF SERVICES WHEN IT COMES TO POLICING A COMPLEX 21TH CENTURY URBAN AMERICAN CITY. AFTER A LOT OF TIME AND WORK WE WERE ABLE TO CREATE A CITIZEN REVIEW PANEL, AND WITH THESE DISTINGUISHED SERVICE AWARDS WE ARE SAYING THANK YOU TO TWO OF OUR OUTGOING MEMBERS, INCLUDING JD MARTINEZ WHO HAS CHAIRED THE PANEL. AND ALSO, CARLA NICKERSON IS ALSO OUTGOING BUT I AM TOLD COULDN'T MAKE IT THIS EVENING AND SO WE WILL PRESENT HER AWARD SOON, AND LIKE TO ASK OUR CITY MANAGE TORE -- MANAGER TO STEP UP AND SAY A FEW WORDS ABOUT THE PROCESS. TECHNICALLY THE WAY WE ARE STRUCTURED THE CITY MANAGER APPOINTS WITH THE COUNCIL TO APPOINT THE CITIZENS, AND THE POLICE MONITOR IS A DIRECT HIRE OF THE CITY MANAGER AS IS, VOARKS OUR POLICE CHIEF, AND SO IT'S A COMPLICATED SET OF SERVICES BUT VERY, VERY FUNDAMENTAL AND VERY IMPORTANT TO WHAT IS A DYNAMIC AND SAFE, SAFE COMMUNITY. AND I THINK OUR PUBLIC SAFETY STATS SPEAK FOR THEMSELVES AND I WANT TO MAKE SURE I TELL YOU HOW PROUD I AM OF WHAT YOU THINK IS A VERY PROFESSIONAL POLICE FORCE HERE IN AUSTIN. SO OUR DISTINGUISHED SERVICE AWARDS, FIRST ONE TO J.D., THEY ARE SIMILAR BUT DIFFERENT BECAUSE INTENTIONALLY, THESE CITIZENS EACH BRING DIFFERENT STRENGTHS TO THAT PANEL, AND WE THINK WE HAVE HAD AND WILL CONTINUE TO HAVE THIS GREASE MIX OF PER -- THIS GREAT MIX OF SPEAKER SPECKIVES AS WE CRAFT THIS VERY IMPORTANT CITIZEN PANEL. THAT WAS PRETTY WINDED, WASN'T IS? THE FIRST ONE READS: WE ARE PLEASED TO RECOGNIZE AND HONOR J.D. MINOR TI NEZ FOR HIS OUTSTANDING PUBLIC SERVICE AS A MEMBER OF THE CITIZEN REVIEW PANEL FOR POLICE OVERSIGHT AND APPRECIATE HIS ABILITY TO RESOLVE COMPLAINTS AND BUILD RESPECTFUL RELATIONSHIPS BETWEEN THE PUBLIC AND THE LAW ENFORCEMENT COMMUNITY. WE ALSO RECOGNIZE MR. MARTINEZ FOR HIS LEADERSHIP SKILLS AND PERSEVERANCE IN THE ROLE OF CITIZEN REVIEW PANEL CHAIR

PERSON REPRESENTING THE PUBLIC FACE OF THAT PANEL APPEASE IS PRESENT WITH GRADUATE ATTITUDE FOR HIS -- WITH GRATITUDE FOR HIS SERVICE ON TO OUR CITY, AND PRESENTED BY ME BUT REPRESENTING THE CITY COUNCILMEMBERS, AND AGAIN, THIS IS FOR MR. J.D. MARTINEZ. (APPLAUSE) AND NOW FOR VERONICA'S AGAIN. IT READS WE ARE PLEASED TO RECOGNIZE AND HONOR VER RAN COME DELGADO SAVAGE. WE APPRECIATE HER ABILITY TO RESOLVE CONCERNS IN A WAY THAT BRINGS DIGNITY TO THE PROCESS AND WE ALSO RECOGNIZE HER FOR HER APTITUDE IN SECRETARYING WITH THE -- IN CONNECTING WITH THE COMMUNITY AND IN BUILDING BRIDGES IN THE COMMUNITY, AGAIN, PRESENTED WITH OUR GRATITUDE, SIGNED BY ME, MAYOR WYNN AND PRESENT BY THE ENTIRE COUNSEL TO MS. VERONICA DELGADO-SAVAGE. (APPLAUSE). AND WE WILL PRESENT CARLA HERS AND I WOULD THE CITY MANAGE TORE STAY A FEW WORDS WITH OUR FORMAT AND OUR PROARKS AND WHY WE TAKE THIS HONOR SO SERIOUSLY.

WE HAVE IN AUSTIN A VERY POWERFUL PROCESS OF CITIZEN OVERSIGHT AND IT BOILS DOWN TO THREE THINGS. IT CAN FEEL VERY MYSTERIOUS TO THE AVERAGE CITIZEN WHEN INTERNAL AFFAIRS BECAUSE OF THE COMENT PLEX THINGS AND THE PRIVACY OF CIVIL SERVICE RECORDS WHEN INTERNAL AFFAIRS DOES THE INVESTIGATION OF CRITICAL POLICE INCIDENTS. SO THIS ALLOWS CITIZENS JUST LINING EVERYON OUT HERE IN THE AUDIENCE A CHANCE TO LIFTTHE VERY WELL AND - - LIFT THE VEIL AND SEE THE ACTUAL DETAILS OF THE INVESTIGATION AND COME OUT AND TELL YOU, THE PUBLIC, THUMB UP OR THUMB DOWN. THEY DID A GOOD JOB AND THEY WERE COMFORTABLE WITH HOW THINGS MOVED FWOSHD OR THEY WERE NOT, AND THIS IS A VERY POWERFUL TOOL. VERY VIEW CITIES HAVE THIS. THE SECOND TOOL IS OUR MONITORS ARE ABLE TO CALL FOR A SECOND INVESTIGATION, IF THEY ARE NOT CONVINCED THAT A THOROUGH AND CAREFUL INVESTIGATION WAS DONE, THEY CAN CALL ON ME TO DO ANOTHER, ANOTHER VERY POWERFUL TOOL. AND FINALLY, THIS GROUP IS CHARGED WITH

LOOKING AT POLICY ISSUES AND TRENDS IN THE DEPARTMENT, AND IN DATA COLLECTION, AND WHAT ARE THEY SEEING IN TERMS OF DATA GATHERING AND RACIAL PROFILING. IT'S A VERY IMPORTANT JOB AND A VERY TOUGH JOB BECAUSE WHEN THEY ARE IN THE MIDDLE OF AN INCIDENT, IT'S A VERY HOT ISSUE IN THE COMMUNITY, AND SO THEY ARE ON THE HOT SEAT WHEN A CRITICAL INCIDENT HAPPENS CRIT IT'S A CRITICAL AND A THANKLESS JOB, AND I WOULD LIKE TO THANK YOU FOR THE SERVICE THAT YOU'VE OFFERED.
(APPLAUSE).

I'M SORRY, CARLA HAS JOINED US. THAT'S RIGHT, A GRAND ENTRY. OKAY, SO CARLA'S. AGAIN, CITY OF AUSTIN DISTINGUISH SERVICE AWARD, WE ARE PLEASED TO RECOGNIZE AND HONOR CARLA NICKERSON AS A MEMBER OF THE CITIZENS REVIEW OVERSIGHT PANEL. WE RECOGNIZE HER FOR HER BROAD INSIGHT IN PUBLIC AND POLICE MATTERS AND FOR MAINTAINING A PERSPECTIVE AND IMPARTIALITY, AGAIN PRESENTED WITH GRATITUDE FOR SERVICE TO OUR CITY, THIS 22ND DAY OF MARCH FOR 2007, A DISTINGUISHED SERVICE AWARD TO MS. CARLA NICKERSON.
(APPLAUSE).

I DON'T THINK I HAVE MUST HAVE TO ADD, I'M CLIFF BROWN, THE POLICE MONITOR IN THE CITY OF AUSTIN. IN THE BRIEF TIME I'VE HAD THE OFFICE OF POLICE MONITOR I'VE HAD THE PRIVILEGE TO WORK WITH THESE FOLKS HERE, AND I CAN TELL YOU THEY GIVE SUCH AN HONEST AND SINCERE AND KEEN INSIGHT INTO THE PROCESS OF CIVILIAN OVERSIGHT, AND THEY DO WORK TIRELESSLY AS TOBY SAID, AND THANKLESSLY, AND YOU AS CITIZENS OF AUSTIN CAN BE VERY PROUD TO HAVE THESE PEOPLE SERVING YOU, AND I JUST WANTED TO THANK THEM FOR THEIR SERVICE. THANK YOU VERY MUCH. (APPLAUSE)

OUR NEXT PROCLAMATION IS REGARDING OUR CITY'S SBDP, SMALL BUSINESS DEVELOPMENT PROGRAM, THE OPENING A RESTAURANT CONFERENCE DAY. WE'VE HAD TWO VERY GOOD YEARS OF JOB CREATION IN THIS TOWN N THE

METRO REGION IN THE PAST TWO YEARS BUT WE DON'T FORGET EASILY THAT OUR ECONOMY WAS IN THE DITCH JUST A FEW YEARS AGO AND THE CITY TOOK ITS ROLE VERY SERIOUSLY, PARTNERS FOR LY SCALE STUFF, BUT ALSO, JUST AS IMPORTANTLY FOCUSING ON OUR SMALL, HOME-GROWN MOM-AND-POP AND MINORITY AND WOMEN-OWNED BUSINESSES IN TOWN. WE HAVE A DEPARTMENT THAT DOES NOTHING BUT THAT, WORKS HARD TO HELP SMALL BUSINESSES HELP US BY CREATING JOBS HERE LOCALLY, AND WE ARE NOT GOING TO TAKE OUR EYE OFF OF THAT BALL THE LAST MAJORITY OF NEW JOBS CREATED IN A GROWING ECONOMY COME FROM COMPANIES THAT HAVE LESS THAN 25 COMPANY EMPLOYEES. -- LESS THAN 25 COMPANY EMPLOYEES. AND THAT IS CERTAINLY THE CASE NEAR US AEN AND -- THAT IS THE CASE HERE IN AUSTIN, AND ROSY IS THE DIRECTOR OF THE DEPARTMENT. I WILL TALK ABOUT THE CONFERENCE DAY AND IF YOU'RE INTERESTING IN STARTING YOUR OWN SMALL BUSINESS, WE MIGHT CAN HELP YOU.

ENTREPRENEURS INTERESTING IN OPENING A RESTAURANT HAVE A UNIQUE OPPORTUNITY TO LEARN ABOUT STARTING A RESTAURANT AT A ONE-DAY CONFERENCE HOSTED BY THE CITY'S SMALL BUSINESS DEVELOPMENT PROGRAM AND FEATURED SEASONED EXPERTS AND LOCAL BUSINESS PEOPLE WHO HAVE RUN PROFITABLE RESTAURANTS AND NOW THE NECESSARIES FOR SUCCESS AND WE ENCOURAGE YOU TO TAKE ADVANTAGE OF THIS, START YOUR SMALL BUSINESS OFF ON THE RIGHT FOOT AND INCREASE YOUR SURVIVABILITY RIGHT, I, MAYOR WILL WYNN DO HEREBY PROCLAIM APRIL 13 AT SBDP'S CONFERENCE DAY IN AUSTIN AND CALL ON ROSY TO SAY A FEW WORDS SO YOU CAN LEARN ABOUT WHERE YOU CAN LEARN HOW AND WHERE TO SIGN UP, AND WELCOME ROSY WHO RUNS A VERY IMPORTANT SMALL BUSINESS DEPARTMENT HERE IN THE CITY.

AS THE MAYOR INFORMED YOU WE ARE HAVING OUR FIRST ANNUAL INDUSTRY SPECIFIC START-UP CONFERENCE FROM 8:00 TO 4:15 AT THE PALMER EVENT CENTER. YOU CAN GET MORE INFORMATION

BY CALLING. WE ARE GOING TO HAVE WITNESS
WONDERFUL SPEAKERS, WE'RE GOING TO HAVE
MARK HOOD, THE FORMER VICE PRESIDENT OF
MARKETING FOR JOHNNY CARINOS, AND THE
CLOSING KEYNOTE WILL BE GIVEN BY MR.
SCHILLER THE OWNER OF RUDY'S COUNTY STORE
AND BBQ, AND KEYNOTE BY A LOCAL RESTAURANT
CRITIC THAT EVERYONE HAS PROBABLY HEARD OF
OR GONE TO HIS WEB PAGE. IF YOU'VE THOUGHT
ABOUT OPENING A FOOD RELATED
BUSINESS, INGBAKERS, PIE SHOP, 974-7800. CALL US,
AND THANK YOU FOR YOUR SUPPORT. (APPLAUSE)

OKAY, MY NEXT PROCLAMATION IS REGARDING
DEVELOPMENTAL DISABILITY AWARENESS MONTH,
I WILL READ THIS PROCLAMATION AND FRANK
McCAMANT WILL TALK ABOUT OUR MONTH AND
WHY WE BOTHER TO GIVE PROCLAMATIONS LIKE
THIS. I WILL SAY BEFORE I DO THIS THAT THE
FUNDAMENTAL DYNAMICS IN THIS TOWN IS VERY,
VERY POSITIVE AND THAT IS BECAUSE WE ARE A
RELATIVELY HEALTHY CITY, AND WE ARE QUITE
THE ANOMALY HERE IN THE STATE OF TEXAS AND
IN THIS PART IN THE SOUTH WHERE MANY CITIES
HAVE VERY POOR HEALTH, WE ARE NOT WHERE WE
SHOULD BE, BUT WE TAKE IT SERIOUSLY AND WE
HAVE A YOUNG POPULATION, GREAT WEATHER
AND GOOD PARK FACILITIES. AS I BEGAN TO FOCUS
ON THIS A COUPLE OF YEARS AGO I WAS REMINDED
THAT WE SHOULD NOT LOSE SIGHT OF THE FACT
THAT WE WANT TO BE A MENTALLY HEALTHY CITY
AS WELL. SO, YES, LET'S TALK ABOUT PHYSICAL
ACTIVITY AND OUR BODS BUT -- BODIES BUT DON'T
FORGET TO TALK ABOUT OUR MENTAL HEALTH
AND OUR QUALITY OF LIFE WHEN IT COMES TO OUR
MENTAL HEALTH. WE HAD A VERY SUCCESSFUL
FEW MONTHS OF A MAYOR'S SPECIAL TASK FORCE
ON MENTAL HEALTH. WE HAD PROBABLY 90
MENTAL HEALTH PROFESSIONALS IN THIS
COMMUNITY, WE HAD A SPECTACULAR SERIES OF
MENTAL HEALTH ASPECTS WHEN IT COMES TO
MENTAL HEALTH PROFESSIONALS IN THIS TOWN
CRAFT A PLAN AND WORK WITH THE COUNTY AND
OUR BOARD, AND WE'VE SHIFTED THAT INTO A
SERIES OF ACTION PLANS. WE ARE PROUD OF OUR
EFFORTS TOWARD MENTAL HEALTH JUST AS WE

ARE MORE VISIBLY FRANKLY WITH OUR PHYSICAL FITNESS HEALTH, SO IT'S APPROPRIATE THAT WE'LL NAME MARCH DEVELOPMENTAL DISABILITY -- DEVELOPMENTAL DISABILITY AWARENESS MONTH. SO I WILL READ THIS AND THEN WE'LL HEAR MORE ABOUT THE MONTH. MENTAL RETARDATION EFFECTS MORE THAN 7 MILLION AMERICANS AND THEIR FAMILIES AND NOW SPECIAL MONTH IS SET ASIDE TO INCREASE THE PUBLIC'S AWARENESS OF THE ISSUES AFFECTING THEM, AND WHEREAS THE ARK TRIES TO HELP THEM REACH THEIR FULL POTENTIAL AND INDEPENDENT WITHIN OUR COMMUNITY, AND THE 5,000 MEMBERS AND THE 900 CHAPTERS OF THE ARK HAVE UNDERTAKEN PUBLIC AWARENESS AND FUNDRAISING THIS MONTH TO ENSURE THAT PEOPLE WITH DEVELOPMENTAL DISABILITY CAN CONTRIBUTE TO OUR STATE AND THE CITY OF AUSTIN, I DO HEREBY PROCLAIM MARCH, 2007 AS MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES MONTHS IN THE CITY AND CALL ON FRANK McCAMANT TO TALK TO US BUT HOW WE CAN BE PHYSICALLY AS WELL MENTALLY HEALTHY.

AS A PARENT WITH A 24-YEAR-OLD DAUGHTER WITH DEVELOPMENTAL DISABILITIES AND THE PRESIDENT OF THE ARK OF THE CAPITOL AREA, I WANT TO SAY THANK YOU TO THE MAYOR AND TO THE AUSTIN COMMUNITY FOR DECLARING THIS MONTH AS DEVELOPMENTAL DISABILITY AWARENESS MONTH. I WANT TO THANK AUSTIN AND THE COMMUNITY FOR SUPPORTING THE BASIC NEEDS AND THE BASIC NEEDS COALITION WHICH SERVES OUR CLIENT BASE AND HELPS THEM VERY MUCH. OUR EXECUTIVE DIRECTOR, SUSAN, WHO COULD NOT BE HERE TODAY, SHE SENDS HER APOLOGIZES, SHE IS PARTICIPATING IN A WEDDING AND IS HOPING THAT IT'S NOT RAINING OUT THERE. SHE WAS THE PAST CHAIR OF THE BASIC NEEDS COALITION, AND SO WE WERE VERY MUCH INVOLVED IN THAT COLLABORATION, ANYONE INTERESTED IN DEVELOPMENTAL DISABILITY ISSUES OUGHT TO CHECK OUT THE BASIC NEEDS COALITION AND SEE IF THEY CAN HELP AND PARTICIPATE IN THAT. THAT SERVES A GREAT NEED

FOR THIS COMMUNITY, WITHIN THE CITY, THE COUNTY AND THE GREATER THAN REGION. SO THE AWARENESS MONTH IS SOMETHING THAT WE VERY MUCH SUPPORT. PART OF THE MISSION OF THE ARK IS TO CREATE AWARENESS ABOUT DEVELOPMENTAL DISABILITIES AND HOW WE CAN ALL HELP AND SERVE THAT POPULATION. AND SO THIS DECLARATION HELPS US VERY MUCH IN THAT PARTIAL OF -- IN THAT PART OF OUR MISSION. WE ENCOURAGE YOU TO CHECK OUT OUR WEBSITE, THE ARK OF THE CAPITAL AREA, AND WE HAVE LOTS OF OPPORTUNITIES FOR VOLUNTEERS TO COME AND HELP US. VOLUNTEERS ARE THE BACKBONE OF OUR AGENCY, AND SO ANYONE WHO IS INTERESTED, CHECK OUT OUR WEBSITE, CONTACT US, WE WOULD LOVE TO HEAR FROM YOU, CHECK OUT THAT PART OF OUR POPULATION THAT LIVES WITH DEVELOPMENTAL DISABILITIES AND HELP US SERVE THEM. THANK YOU VERY MUCH.

(ONE MOMENT PLEASE, FOR A CHANGE IN CAPTIONERS)

THANK YOU ALL FOR LETTING ME BE PART OF THIS. ONE OF MY JOBS AT THE NATIONAL WEATHER SERVICE IS TO REVIEW THE STORMS IN CENTRAL TEXAS AND LOOK AT WHAT GOES RIGHT AND WHAT GOES WRONG. THE NUMBERS I SEE ARE DRAMATIC. ALMOST 90% ON THE AVERAGE OF THE DEATHS IN THIS AREA IN STORMS ARE BECAUSE OF FLASH FLOODING, AND IF YOU LOOK AT THAT CLOSELY, A HUGE NUMBER OF THOSE DEATHS ARE RELATED TO VEHICLES. ALMOST ALL THE REST ARE YOUNG STUDENTS, CHILDREN, YOUNG ADULTS, PLAYING IN THOSE FLOODED CREEKS OR WALKING ALONG THE BANKS. NOW, THEY'VE HAD HEAVY RAIN, THEY'RE UNSTABLE, THEY CAN GIVE WAY AND IN A MINUTE YOU CAN BE IN THAT RAPIDLY MOVING WATER, EVEN THOUGH IT MAY NOT BE RANGE AT THE TIME. IF WE CAN GET TO THOSE TWO TYPES OF ACTIONS AND DO THE RIGHT PUBLIC EDUCATION WE CAN MAKE A MAJOR CHANGE IN THE WAY STORMS AFFECT OUR POPULACE. THERE'S A WAY TO GET THE INFORMATION YOU NEED. THAT'S THE NOAH ALL HAZARDS. THIS IS A RADIO SYSTEM WE IN THE

WEATHER SERVICE OPERATE 24 HOURS A DAY, SEVEN DAYS A WEEK. THE SAME COMPUTERS THAT ISSUE THE WARNINGS IMMEDIATELY TONE THE ALARMS AND BEGIN THE BROADCAST ON THE RADIOS. THERE IS NO FASTER WAY TO GET A WARNING. BUT IT'S NOT JUST WEATHER. THESE ARE NATIONAL WARNING SYSTEMS. IF THERE'S A TOXIC SPILL, IF THERE IS A TERRORIST ATTACK, THESE ARE THE SYSTEMS THAT WILL LET YOU KNOW. THEY'RE SO SMALL THE PORTABLE RADIOS CAN BE CARRIED IN A POCKET. YOU CAN TAKE YOUR ALARM WITH YOU IF YOU WISH, AND ONCE YOU'VE GOT THE INFORMATION, YOU KNOW THERE'S A DANGER, THEN IT'S UP TO THE INDIVIDUAL. NEVER DRIVE INTO WATER THAT'S FLOWING OVER A ROAD. AS THE MAYOR SAID, TURN AROUND, DON'T DROWN. THANK YOU ALL.

MAYOR WYNN: THANK YOU. [APPLAUSE]

THANK YOU, LARRY.

NEXT I'D LIKE TO ASK GARY COME SET TO.....KOSUT TO COME ON AND SAY A FEW WORDS.

I'M ENGINEER WITH WATERSHED PROTECTION AND DEVELOPMENT VIEW AND ONE OF THE CITY'S FUSE OPERATORS. I CAN'T ADD MUCH TO WHAT LARRY SAID EXCEPT TO SUGGEST TO OUR NEW RESIDENTS AND TO OUR LONG-TIME RESIDENTS THAT IN CENTRAL TEXAS HURRICANES ARE -- ON THE GULF COAST OF THE HURRICANES ARE THE BIG HAZARD, WEATHER-RELATED HAZARD. HERE IT'S FLASH FLOODING, SO PLEASE BE AWARE OF THAT. AND TRYING TO CROSS A STEAM WITH STORM WEIGH IS DANGEROUS BECAUSE YOU CAN'T SEE THE PAVEMENT IN MOST CONDITIONS AND IT ONLY TAKES ABOUT 6 INCHES OF WATER TO FLOAT YOUR CAR. SO PLEASE PROTECT YOUR FAMILY. TURN AROUND, DON'T DROWN. LET ME GET GEORGE BACK UP HERE. [APPLAUSE]

THANK YOU, LARRY.

OTIS, ARE YOU ON THE AGENDA TODAY? ALL RIGHT.

OKAY. NOW, ON TO THE FUN PART. AS PART OF FLOOD AWARENESS WEEK WE STARTED THE TRADITION OF ASKING KIDS IN THREE DIFFERENT AGE-GROUPS TO SUBMIT POSTER, ART CONVEYING THE CONCEPT, TURN AROUND, DON'T DROWN. THIS YEAR WE HAD OVER 240 ENTRANTS, AND WE HAVE THE THREE WINNERS HERE THIS EVENING, AND WE HAVE QUITE A LOT OF AWARDS TO PRESENT TO THEM, SO WHAT I'LL DO, I'LL CALL OUT THEIR NAME AND THEN WE'LL PRESENT THEM WITH THEIR AWARDS. THE FIRST WINNER IS KAREN HARRIS IN THE AGE 6-8 CATEGORY. [APPLAUSE]

WE HAVE -- GARY -- WE ACTUALLY HAVE THEIR ART FRAMED HERE. GO AHEAD AND GIVE KAREN -- AND THE AMERICAN-STATESMAN INSIDE LINE IS -- IS JEFF SEMETEK HERE THIS EVENING? THE AMERICAN-STATESMAN INSIDE LINE IS AN JOINT SPONSOR WITH US AND THEY REALLY BROUGHT THE BACON. THERE'S A HUNDRED DOLLAR CHECK FOR EACH OF THESE KIDS. [APPLAUSE]

AND LARRY, DO YOU HAVE A RAIN GAUGE?

THIS IS WHAT THE RAIN GAUGE LOOKS LIKE.

CONGRATULATIONS.

THE NEXT WINNER IS A ELECTION.....ALEXISMOORE IN THE 9-11 AGE CATEGORY.

CONGRATULATIONS.

YOUR ARTWORK, YOUR CHECK -- AND YOUR CHECK.

GRAB THAT CHECK. [LAUGHTER]

YOU'RE PREPARED IF IT EVER RAINS AGAIN.

I'M TAKING SOMEONE OUT TO EAT TONIGHT.

SOMEONE IS GETTING LUCKY.

AND OUR NEXT WINNER, JOSE MORA IN THE AGE 12-13 CATEGORY. [APPLAUSE]

OKAY. THAT CONCLUDES OUR CEREMONY. THANK YOU VERY MUCH.

MAYOR WYNN: FOR OUR NEXT PROCLAMATION I'LL TURN THE PODIUM OVER TO OUR COUNCIL MEMBER BREWSTER MCCRACKEN.

MCCRACKEN: WE'RE READY TO CELEBRATE ARCHITECTURE MONTH, WE HAVE SALLY FLY. RUNS THE LOCAL CHAPTER OF THE INSTITUTE OF ARCHITECTS, AUSTIN CHAPTER OF THE AMERICAN INSTITUTE FOR ARCHITECTS AND I'LL SAY REAL BRIEFLY IN ADVANCE, WE'RE GOING THROUGH A RENAISSANCE. THIS IS THE CITY THAT NATIONALLY INVENTED GREEN BUILDING, THAT SOME OF THE ARCHITECTS INVENTED. WE'RE HAVING THE OVERLAY THAT'S CAUSING ME TO GO OUT TWO NIGHTS A WEEK WITH REALLY THE BRAINCHILD OF THE DESIGN CENTER'S..... CENTER'S TASK FORCE RICHARD WEISS, AND WE HAVE THE GREAT STREETS PROGRAM WHICH HAS REALLY REVOLUTIONIZED WHAT WE EXPECT WE CAN HAVE OF OUR URBAN ENVIRONMENT IN OUR PUBLIC SPACE, CREATED BY SINCLAIR BLACK, A LOCAL ARCHITECT. WE HAVE ONE OF THE MOST STUNNING EXAMPLES OF LANDSCAPE ARCHITECTURE CURRENTLY IN TOWN LAKE PARK, WHICH IS GOING TO BECOME AUSTIN CENTRAL PARK. THESE REQUIRE SKILL OF THE LANDSCAPE ARCHITECTS TO CREATE THESE GREAT PLACES THAT FIT IN GREAT WITH OUR BUILT ENVIRONMENTS. SO FOR ALL THAT I'M DEEPLY IN AND YOU AND APPRECIATION FOR WHAT OUR ARCHITECTURE COMMUNITY IS DOING FOR ARCHITECTURE AND REALLY A CROWN JEWEL OF AUSTIN'S HERITAGE IN CITY HALL. TELL YOU A LITTLE ABOUT ARCHITECTURE MONTH AND WHAT'S GOING ON IN THE COMMUNITY.

SURE. THE NATIONAL AIA IS CELEBRATING 150 YEARS IN EXISTENCE, AND AS A PART OF THAT LOCAL CHAPTERS HAVE BEEN ASKED TO MAKE A GIFT TO THEIR COMMUNITY, AND AIA AUSTIN THAT IS OPENED THEIR CENTER FOR ARCHITECTURE AND

WE'RE LOOKING FORWARD TO APRIL AS ARCHITECTURE MONTH IN AUSTIN. AND DURING THAT MONTH WE WILL HAVE ACTIVITIES FOR THE PUBLIC RELATED TO ARCHITECTURE. LOOK ON OUR WEB SITE, AIA AUSTIN.ORG FOR THAT CALENDAR AND THOSE ACTIVITIES, AND WE INVITE EVERYBODY TO COME OUT AND JOIN US AND SEE WHAT WE HAVE.

MCCRACKEN: AND SALLY -- NO PUBLIC SPEAKING INVOLVED.

BRIEF PROCLAMATION, BE IT KNOWN THAT WHEREAS THROUGH THEIR WORK AMERICAN ARCHITECTS HAVE COMBINED ADVANCES IN BUILDING TECHNOLOGY WITH DESIGN INNOVATION TO EVEN LIVEN OUR CITIES AND IMPROVE OUR CITIZENS' QUALITY OF LIFE AND WHEREAS THE ARCHITECTURE PROFESSION IN AUSTIN WITH THE SUPPORT OF THE AMERICAN INSTITUTE OF ARCHITECTS HAS BEEN ESPECIALLY BY VIGILANT IN THE HISTORIC TREASURES IN ITS EFFORT TO BUILD A HEALTHY, SAFE, SUSTAINABLE AND LIVABLE COMMUNITY AND WHEREAS THE AUSTIN CENTER FOR ARCHITECTURE, CELEBRATED THE 150 ANNIVERSARY OF THE AMERICAN INSTITUTE OF ARCHITECTS, PAYS TRIBUTE TO THE LIFE OF OUR CITY AND ITS PEOPLE. THEREFORE, WILL WYNN, THE MAYOR OF THE CITY OF AUSTIN, DOES HERE BY PROCLAIM APRIL 2007 AS AUSTIN ARCHITECTURE MONTH. TONY, ALL OF YOU, THANKS A BUNCH.
[APPLAUSE]

GOOD EVENING. WE HAVE ONE FINAL PROCLAMATION FOR TONIGHT. WE'RE DOING THIS TONIGHT SINCE COUNCIL WILL NOT BE MEETING NEXT WEEK, AND THIS EVENT WILL TAKE PLACE BEFORE WE COME BACK ON APRIL THE 5TH. I'D LIKE TO CALL UP MS. SUSANA ALMANZA AND THE OTHER GUESTS THAT ARE HERE WITH US. PLEASE COME UP. EVERY YEAR HERE IN AUSTIN WE CELEBRATE THE LIFE OF CESAR CHAVEZ BY HONK HIM AND RECOGNIZING HIS EFFORTS IN THE WORKS THAT HE DID, HONORING HIM, AND THIS YEAR IS GOING TO BE NO DIFFERENT. WE'LL HAVE A MARCH THIS YEAR, AND I'LL LET SUSANA TELL YOU MORE

ABOUT THE DETAILS. IT WILL START HERE AT CITY HALL AND IT WILL GO DOWN CESAR CHAVEZ STREET TO THE LIBRARY, WHERE THERE WILL BE MUSIC, FOLKS THAT WILL BE SPEAKING TO THE COMMUNITY ABOUT THE LIFE OF CESAR CHAVEZ AND THE THINGS THAT WE STILL NEED TO KEEP WORKING ON IN HIS NAME. BUT WITH THAT I WANT TO PRESENT A PROCLAMATION IN HONOR OF THAT DAY. AND THE PROCLAMATION READS, WHEREAS CESAR E. CHAVEZ WAS A MEXICAN AMERICAN FARM WORKER WHO BECAME A GREAT FORCE FOR SOCIAL CHANGE AND JUSTICE THROUGH NON-VIOLENCE AS A UNION LEADER, CIVIL RIGHTS LEADER, ENVIRONMENTALIST AND HUMANITARIAN AND WHEREAS -- WHEREAS COUNTLESS AMERICANS THROUGHOUT THE COUNTRY WILL HONOR THE LIFE WORK AND VALUES OF CESAR CHAVEZ BY SERVING THEIR COMMUNITY, MAKING CESAR CHAVEZ DAY A DAY ON, NOT A DAY OFF, AND WHEREAS WE RECOGNIZE PEOPLE ORGANIZED IN DEFENSE OF EARTH AND HER RESOURCES, FOR THE CONTRIBUTIONS TOWARDS HONORING CESAR CHAVEZ FOR HIS WORK ON HIS BIRTHDAY. NOW THEREFORE I WILL WYNN MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM MARCH 31, 2007 AS CESAR CHAVEZ DAY IN AUSTIN, TEXAS. AND I WANT TO THANK YOU YOU FOR CARRYING ON THIS TRADITION AND ASK YOU TO COME UP AND SAY A FEW WORDS. [APPLAUSE]

THANK YOU, COUNCILMAN MARTINEZ. WE HAVE WITH US CODIRECTOR, ERIC GONZALES AND I DIDN'T VET RODRIGUEZ, AND. VERY PROUD TO KEEP THE SPIRIT ALIVE OF CESAR E. CHAVEZ WHO WAS A CIVIL RIGHTS ADVOCATE, WHO WAS A FARM WORKERS' LEADER, A LEADER HIMSELF WHO REALLY STRUGGLED TO BRING JUSTICE TO ALL THE FARM WORKERS AND THEN WORKED ON ENVIRONMENTAL ISSUES SUCH AS THE PEST TI PESTICIDES IN THE COMMUNITY. SO WE INVITE EVERYONE TO COME OUT AND CELEBRATE THE LIFE OF CESAR CHAVEZ, SATURDAY, MARCH THE 31ST. WE WILL MEET HERE AT CITY HALL, SATURDAY AT 10:00, MAR TO LA RAZZ AS LIBRARY, WHERE WE WILL HAVE SPEAKERS, MUSIC AND POETRY AND

CELEBRATION OF HIS LIFE. THANK YOU. [APPLAUSE]

CITY COUNCIL WILL BE BACK SHORTLY.

AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING. WE'VE BEEN IN RECESS HAVING FINISHED ZONING CASES EARLIER IN THE AFTERNOON. WE HAVE TWO ZONING CASES YET REMAINING, ITEM 64 AND 65... 65 AND WE HAD A POSTED PUBLIC HEARING FOR 6:00, AN APPEAL OF A PLANNING COMMISSION'S DECISION. I BELIEVE THERE'S A REQUEST TO HAVE THAT POSTPONED. I'LL RECOGNIZE COUNCIL MEMBER COLE.

YES, MAYOR. I TALKED TO THE APPLICANT AND HE WOULD LIKE TO HAVE THAT POSTPONED.

AND THAT WOULD BE -- THAT WOULD BE THE APPELLATE OR THE -- THE PERSON WHO BROUGHT THE APPEAL TO US IS ASKING FOR THE POSTPONEMENT?

I BELIEVE IT'S THE PERSON WHO BROUGHT THE APPEAL.

UNLESS WE HEAR -- I SEE SOMEBODY WAVING, THAT SEEMS TO BE THE CASE. WAS THERE A RECOMMENDED POSTPONEMENT DATE, COUNCIL WOMAN?

I AM NOT AWARE OF A RECOMMENDED DATE.

DOES STAFF HAVE A RECOMMENDATION OR -- PERHAPS IF THE APPELLATE -- IF OUR APPELLATE COULD COME FORWARD, PERHAPS. JUST CONFIRM YOUR WISH TO POSTPONE, AND WITHOUT OBJECTION WE MIGHT GET A RECOMMENDATION AS TO A REASONABLE PERIOD OF TIME. WELCOME.

I'M NICKI MAVEN AND I DID NOT REQUEST A POSTPONEMENT.

OH, I'M SORRY.

SO I'M A LITTLE CONFUSED.

THAT MAKES TWO OF US.

ARE YOU READY TO PRESENT?

UH-HUH.

WE DON'T WANT IT TO BE POSTPONED.

I THOUGHT THIS WAS BY AGREEMENT, JOHN JOSEPH JUNIOR CALLED ME.

WE'RE READY TO PRESENT. WE'RE HERE.

WE KNEW NOTHING ABOUT ANY POSTPONEMENT. IN FACT, I BELIEVE MY HUSBAND TALKED TO SOMEONE EITHER TODAY OR YESTERDAY AND THERE WAS NO MENTION OF ANY POSTPONEMENT.

WELL, THEN PERHAPS WE'LL CONDUCT OUR PUBLIC HEARING.

IT WAS THE REPRESENTATIVES OF THE TRANSITIONAL HOUSING. THEY'RE TRYING TO WORK ON THE PARKING PROBLEM. HAVE YOU BEEN IN TOUCH WITH THEM. ARE YOU AWARE OF THAT?

NO.

COLE: SINCE WE DON'T HAVE THEM HERE WE SHOULD POSTPONE BECAUSE I KNOW THEY'RE REALLY WORKING ON THE ISSUE.

WELL -- YEAH, I MEAN, IF I CAME TO YOU GUYS AND SAID IT WOULD BE -- I WOULD LIKE IT POSTPONED FOR ONE REASON OR ANOTHER, THEY'VE HAD MONTHS TO WORK ON THEIR PARKING. AND WHEN THEY ORIGINALLY PRESENTED IT THEY HAD THEIR PARKING PROBLEM ALL STRAIGHTENED OUT, SUPPOSEDLY. THAT WAS UNFORTUNATELY ABOUT TWO AND A HALF, THREE MONTHS AGO.

MAYOR WYNN: UNDERSTOOD, MA'AM. SO, COUNCIL MEMBER, HAVING HAD A DISCUSSION WITH APPARENTLY THE OTHER SIDE, WHO ISN'T HERE, DID YOU GET A FEEL FOR HOW LONG A POSTPONEMENT

--

COLE: I THINK IT WAS A SHORT AMOUNT OF TIME. I MEAN, WE COULD POSTPONE IT UNTIL THE NEXT COUNCIL MEETING.

MAYOR WYNN: OKAY.

COLE: I'M SORRY? THREE WEEKS?

MAYOR WYNN: SO, COUNCIL, OBVIOUSLY ONE OF OUR TWO PARTIES ISN'T HERE IN THE CHAMBERS, AND SO MY RECOMMENDATION WOULD BE FOR US NOT TO CONDUCT A PUBLIC HEARING. I'LL RECOGNIZE COUNCIL MEMBER COLE AS HAVING MADE A MOTION TO POSTPONE ITEM NO. 66, THIS PUBLIC HEARING APPEAL, TO --

COLE: APRIL 12.

MAYOR WYNN: THE COUNCIL MEETING APRIL 12, THURSDAY, 2007.

COLE: RIGHT.

MAYOR WYNN: SECONDED BY COUNCIL MEMBER MCCRACKEN. ANY OTHER COMMENTS? AND WE APOLOGIZE FOR THE MISCOMMUNICATION.

COULD WE BE ASSURED, THEN, THAT THERE WILL BE NO OUR DELAYS?

MAYOR WYNN: TECHNICALLY, NO. WE TEND TO HONOR FIRST TIME REQUESTS FOR POSTPONEMENTS, SO FOR INSTANCE, SHOULD YOU, AS THE APPELLATE, NEED FOR DIFFERENT REASONS, TRAVEL OR DOCUMENTATION, NEEDED A POSTPONEMENT, AND EVEN THOUGH THE OTHER SIDE MIGHT NOT IN... BE IN AGREEMENT WITH THAT WE WOULD GRANT YOUR REQUEST AS WELL.

OKAY. I'LL LOOK FORWARD TOP.

MAYOR WYNN: MOTION SECOND ON THE TABLE TO POSTPONE ITEM NO. 66 TO THURSDAY, APRIL 12, 2007. FURTHER COMMENTS? HEARING NONE ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION TO POSTPONE PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM OFF THE DAIS. MR. GUERNSEY, THAT LEAVES US WITH ITEMS 64 AND 65.

MAYOR AND COUNCIL, ITEMS NO. 64 AND 65 ARE RELATED. THEY HAVE TO DO WITH THE EAST AVENUE PLANNING AND DEVELOPMENT. THESE ARE CASES MPA-06-..... MPA-06-0019.01 AND THE RELATED ZONING CASE CA 14-06-0175 FOR THE PROPERTY LOCATED IN THE 3400 BLOCK OF IH-35 NORTH SERVICE ROAD KNOWN AS CONCORDIA COLLEGE. DURING OUR BREAK FROM THE 4:00 ZONING ITEMS, APPROXIMATELY ABOUT 35, 45 MINUTES AGO, WE'VE RECEIVED A DRAFT OF AN ORDINANCE, AND THERE HAS BEEN A COUPLE LITTLE CHANGES TO IT, BUT WE'VE RECEIVED AN ORDINANCE FROM BOTH PARTIES THAT I GUESS REPRESENT WHERE THEY ARE ON THE ORDINANCE. THERE ARE SEVERAL PRIVATE COVENANTS THAT THEY ARE WORKING THROUGH. WE DID NOT RECEIVE THOSE, BUT THAT'S NOT NECESSARY FOR OUR REVIEW. WE CAN -- BASED ON THIS INFORMATION, REVIEW THIS ORDINANCE AS THE DOCUMENT THAT WE HAVE AND GIVE YOU RECOMMENDATIONS BASED ON THE SUGGESTIONS THAT -- OR THE ORDINANCE THAT'S DRAFTED, WORK WITH OUR LAW DEPARTMENT AND POLISH THAT AND GIVE THAT INFORMATION BACK TO BOTH PARTIES TOMORROW. WE COULD PROBABLY HAVE OUR REVIEW DONE, HOPEFULLY, BY THE END OF THE MORNING AND BE READY TOMORROW IF YOU WANTED TO GO FORWARD, BUT WE'RE NOT PREPARED AT THIS TIME TO RECOMMEND THAT YOU GO FORWARD, NOR DO WE HAVE A DOCUMENT THAT YOU COULD ACTUALLY APPROVE TO GO FORWARD THIS EVENING.

THE ONLY THING I'D ADD IS JUST THAT OUR REVIEW WOULD BE BASED ON THE DOCUMENT WE HAVE RIGHT NOW. SO IF THERE ARE OTHER VERSIONS THAT MAY BE SUPPLIED IN THE MORNING,

THROUGHOUT THE MORNING, STAFF MAY NOT HAVE ENOUGH TIME TO REVIEW THOSE CHANGES AS THEY COME IN. WE WOULD WORK WITH THE DOCUMENT WE HAVE RIGHT NOW.

MAYOR AND COUNCIL, WHAT WE WOULD RECOMMEND IS THAT YOU RECESS THIS HEARING UNTIL 1:30 TOMORROW, RECESS YOUR COUNCIL MEETING UNTIL 1:30 TOMORROW AND THEN WE WILL BE PREPARED AT 1:30 TOMORROW WITH OUR RECOMMENDATIONS AND A DRAFT ORDINANCE FOR YOUR CONSIDERATION.

MAYOR WYNN: AND AS FAR AS POSTING REQUIREMENTS, IS THAT --

YOU ARE -- YOU ARE JUST FINE. THE OPEN MEETINGS ACT RECOGNIZES THAT YOU ARE ABLE TO RECESS AND RECONVENE THE NEXT DAY, AND IF THE MOTION STATES ON THE RECORD THAT YOU'RE COMING BACK AT 1:30 TOMORROW, BOTH THE OPEN MEETINGS ACT AND YOUR CHARTER AND YOUR CODE PERMIT YOU TO DO THAT.

MAYOR WYNN: OKAY. THANK YOU.

AND WE HAVE NO POSTING ISSUES AND WE HAVE NO NOTICE ISSUES.

AND THAT WOULD BE ALSO FOR THE PUBLIC HEARING BECAUSE WE HAVE NOT CLOSED --

THAT'S CORRECT.

THE PUBLIC HEARING FOR THE THIRD READING.

THAT'S CORRECT. BECAUSE WE HAVE NOT CLOSED.

MAYOR WYNN: RIGHT. THOUGHTS, COMMENTS, COUNCIL? COUNCIL MEMBER MARTINEZ.

MARTINEZ: I'D LIKE TO ASK SOMEONE FROM THE NEIGHBORHOOD'S TEAM THAT'S BEEN IN THIS PROCESS TO COME SPEAK TO A POTENTIAL RECESS UNTIL TOMORROW...

MAYOR WYNN: WELCOME, MR. RAT LIVE.

GOOD HE... EVENING, MAYOR WYNN, MEMBERS OF COUNCIL. MR. RATLIFF. IS THE NEIGHBORHOOD IN A POSITION TO ACKNOWLEDGE THAT WE MAY BE ABLE TO FINISH THIS BY TOMORROW?

COUNCIL MEMBER, MARTINEZ, I WANT TO BE CAREFUL TO ANSWER YOUR QUESTION VERY PRECISELY. WE ARE NOT THE APPLICANTS IN THIS CASE. THEY ARE NOT OUR DOCUMENTS. THAT BEING SAID, WE WILL ENDEAVOR TO WORK VERY CLOSELY WITH THE APPLICANT THIS EVENING IN ORDER TO SEE IF WE CAN GET DOCUMENTS THAT WOULD BE ACCEPTABLE TO THE COUNCIL. I WANT TO MAKE CLEAR THAT THE ORDINANCE THAT STAFF HAS RIGHT NOW, I JUST RECEIVED THAT DRAFT ON MY BLACKBERRY AS I WAS STANDING IN THE LOBBY HERE. SO I WANT TO MAKE IT CLEAR THAT IT IS NOT THE CASE THAT THE ORDINANCE, AS IT CURRENTLY SITS WITH STAFF, REFLECTS [INAUDIBLE] BOTH PARTIES. BUT THAT BEING SAID WE WILL WORK AS HARD AS IT TAKES.

I'M SORRY?

I'M SURE YOU WILL, AND I APPRECIATE ALL THE WORK THAT YOU GUYS HAVE DONE UP TO THIS POINT. I KNOW IT'S BEEN A VERY DIFFICULT AND LONG PROCESS. I WAS ALSO TOLD THAT ONE OF THE THINGS I WANT TO MAKE KNOWN HERE FOR THOSE THAT DON'T KNOW IS THIS DECISION HAS THE POTENTIAL DEVASTATING IMPACT ON CONCORDIA AND THEIR NEW CAMPUS, AND I WANTED TO SEE IF ANYONE FROM CONCORDIA COULD EITHER ACKNOWLEDGE THAT OR SPEAK TO THAT ISSUE.

MAYOR WYNN: WELCOME.

HI, WELCOME. MY NAME IS DR. TOMP SEGEL. PRESIDENT OF CONCORDIA UNIVERSITY HERE IN TOWN. AND DR. KLUTH IS THE PERSON THAT'S RUNNING OUR RELOCATION EFFORT. CERTAINLY, IT DOES HAVE A VERY MAJOR IMPACT ON US AS WE GO THROUGH THIS PROCESS. WE ARE ATTEMPTING TO DO A VERY, VERY COMPLICATED PROPERTY

TRANSACTION HERE ON BOTH SIDES, BOTH IN TERMS OF THE SALE OF OUR CURRENT PROPERTY AND THE ACQUISITION OF THE NEW PROPERTY, AND YOU-ALL KNOW WHERE THAT IS, OUT ON 620. IN FACT, THE COMPANY THAT WE HIRED TO WORK WITH US SAID THIS IS A COMPANY, AN INTERNATIONAL REAL ESTATE COMPANY OF 1500 PEOPLE, THIS IS THE MOST COMPLICATED REAL ESTATE TRANSACTION THEY HAVE EVER WORKED ON IN THE EXISTENCE OF THAT COMPANY. SO IT IS VERY COMPLICATED. TIMING IS CRITICAL. THE REASON TIMING IS CRITICAL IS YOU JUST CAN'T MOVE A UNIVERSITY ANYTIME. I MEAN, EVEN BETWEEN TERMS IT'S VERY DIFFICULT TO MOVE IT. SO WHEN WE MOVE, IT ENDS UP BEING IN INCREMENTS OF A YEAR. SO WE CAN MOVE IN THE SUMMER OF 2008. WE CAN MOVE IN THE SUMMER OF 2009, BUT WE CAN'T MOVE BETWEEN 2008 AND 2009. SO RIGHT NOW THE TIMING ALLOWS US TO BE ABLE TO MOVE IN THE SUMMER OF 2008. SLIPPAGE OF THIS MAKES A VERY BIG IMPACT ON THAT IN TERMS OF GETTING BUILDING PERMITS, BEGINNING CONSTRUCTION, BEGINNING RENOVATION OF THE PROPERTIES OUT THERE, AND THEN WE NEED THE CASH FROM THE SALE, WE NEED TO CLOSE SIMULTANEOUSLY SO WE CAN FUND THE BUILDING IN THE NEW PROGRAM. IT WOULD BE NICE IF WE HAD THE EXTRA CASH TO START ANYWAYS, BUT WE DO NOT. SO WHERE WE STAND IS IF THIS GETS FLIPPED, ONE THAT PUTS CLOSING ON BOTH SIDES OF THE PROPERTY IN JEOPARDY, NUMBER ONE. NUMBER TWO, THAT CLOSING DOESN'T HAPPEN, THEN WE'RE NOW SLIPPED INTO A TIME FRAME THAT PUTS US OUT OF THE BASKET FOR MOVING IN 2008 AND INTO 2009, WHICH IS MILLIONS OF DOLLARS. AND IT MAY MAKE IT NOT BEING ABLE TO BE ACCOMPLISHED. SO THERE IS -- WE ARE ON A CRITICAL PATH.

AND MAYOR, THE REASON I ASKED THAT IS BECAUSE WE WERE CONSIDERING -- EARLIER THERE WAS SOME DISCUSSION ABOUT POSSIBLY POSTPONING THIS UNTIL SPECIAL CALLED MEETING ON TUESDAY, AND I WANTED TO DETERMINE -- OR TRY TO DETERMINE AS BEST WE COULD WHETHER OR NOT THAT POSTPONEMENT, IF POSTPONING IT

FOR THREE DAYS, YOU KNOW, MAKES THAT WHOLE YEAR'S DIFFERENCE THAT YOU SPOKE TO.

WELL, THE QUESTION FOR US IS CERTAINLY IT RUNS UP TO CLOSING DEADLINE, WHICH IS MARCH 29. THAT IS IT. IF -- AND AGAIN, A CONDITION THAT CONCERNS ME IS THE AMOUNT OF PAPERWORK AND TIMING AND THINGS WE HAVE TO GET DONE IN ORDER TO BE ABLE TO GO TO CLOSING, AND THAT IS ACTUALLY HAPPENING NOW. IT'S NOT GOING TO HAPPEN NEXT TUESDAY OR WEDNESDAY. IT'S HAPPENING NOW. SO WE ARE ALREADY IN PROCESS TO GO TO THAT. THAT WOULD CONCERN ME VERY MUCH IF WE GO TO TUESDAY. I DON'T KNOW IF DR. KLUTH HAS ANYTHING TO ADD TO THAT.

DAVID KLUTH FROM CONCORDIA UNIVERSITY. THE SCHEDULE IS SO INCREDIBLY TIGHT. I MEAN, WE KNEW THIS GOING INTO IT, BUT WE'RE TRYING TO MOVE BETWEEN APRIL AND MAY OF NEXT YEAR. AND THERE ARE A LOT OF THINGS THAT HAVE TO BE SORT OF RACKED AND STACKED, AND QUITE HONESTLY, IF WE VEER OFF MUCH MORE THAN A WEEK OR SO WE'VE GOT SOME REAL ISSUES. THE CLOSING WAS SCHEDULED FOR THE 29TH. IT WAS SET FOR THAT MONTHS AGO, AND WE'VE BEEN REALLY TRYING TO GEAR FOR THAT. AND IF WE MOVE -- IF WE MOVE BEYOND, I BELIEVE, TOMORROW, WE'VE GOT SOME SERIOUS, SERIOUS ISSUES ON TIMING.

THANK YOU.

CAN WE HELP YOU WITH --

AND THAT'S -- SO IF THE CLOSING IS THE 29TH, BEING NEXT THURSDAY, AND IF THIS COUNCIL WERE TO TAKE FINAL ACTION ONE WAY OR THE OTHER ON TUESDAY AFTERNOON, IT'S JUST THAT COMPLICATED OF A TITLE COMPANY CLOSING? I MEAN, YOU'RE AFRAID THERE'S GOING TO BE -- I MEAN -- I SIGN ORDINANCES ALL THE TIME THE EVENING OF COUNCIL ACTION, AND --

I DON'T KNOW IF IT MEANS A FAILURE. I CAN'T ANSWER THAT QUESTION NOW, BUT I KNOW THAT

WE'RE IN A VERY DIFFICULT TIME AND IT'S -- IT IS LITERALLY HAPPENING AS WE SPEAK.

MAYOR WYNN: THE COUNCIL, I BELIEVE, THE MAJORITY OF US, THEY WERE SHOWING A LOT OF FLEXIBILITY. WORKING ON OUR CALENDARS THIS AFTERNOON TO EITHER MEET TOMORROW OR AS LATE AS, I GUESS, NEXT TUESDAY AFTERNOON. THE CONCERN ABOUT MEETING TOMORROW IS THAT THESE DOCUMENTS ARE STILL -- THE DOCUMENTS THAT WE NEED, THE ORDINANCES WE NEED TO READ AND BE COMFORTABLE BEFORE WE MAKE OUR FINAL VOTE ARE STILL QUITE FLUID. AS WE HEARD MR. RATLIFF TECHNICALLY HASN'T SEEN THEM.

WE UNDERSTAND THAT. I CAN'T TELL YOU TODAY IF THAT MEANS A FAILURE BY NEXT TUESDAY. I CAN'T ANSWER THAT QUESTION. I DON'T KNOW.

MY CONCERN, MAYOR, WAS MORE -- I MEAN, OBVIOUSLY WE NEED THE DOCUMENTS AS WELL TO MAKE THE DECISION, BUT I ALSO HAVE A CONCERN THAT NONE OF THE FOLKS WHO HAVE BEEN INVOLVED IN THIS PROCESS HAVE SEEN THE FINAL DOCUMENTS, AND THEY NEED THE SAME TIME WE DO TO REVIEW THEM.

I UNDERSTAND THAT.

MAYOR WYNN: ADDITIONAL THOUGHTS, COMMENTS?

AND BY THE WAY, WE APPRECIATE SO MUCH ALL THE SUPPORT YOU-ALL HAVE GIVEN US THROUGH THIS PROCESS. IT'S BEEN TREMENDOUS FROM JANUARY, AS WE BEGAN WORKING THROUGH THE SITE OUT ON 620, AND HOW MUCH WE APPRECIATE ALL YOUR SUPPORT AS WE GO THROUGH THIS. WE REALLY, REALLY DO AND THANK YOU VERY MUCH. I'D LIKE TO HAVE OUR BOARD CHAIR HERE TOMORROW FOR HIM TO PERSONALLY THANK YOU ALSO.... ALSO. OKAY.

MAYOR WYNN: THANK YOU.

MAYOR, MAYOR PRO TEM. NAME IS ANDY SARWOL. I APPRECIATE THE OPPORTUNITY HERE AS WELL AND I APPRECIATE EVERYBODY WORKING SO HARD, PARTICULARLY WITH THE NEIGHBORS WHO ARE HERE TONIGHT AND WE'VE BEEN WORKING FOR SEVERAL MONTHS HERE WITH THE NEIGHBORS AND WITH YOU-ALL AND WE REALLY DO APPRECIATE EVERYONE'S SUPPORT AND ASSISTANCE AS WE'RE WORKING THROUGH THE PROCESS. THE DIFFERENCE BETWEEN TUESDAY AND FRIDAY IS NOT NECESSARILY RELATED TO THE TITLE COMPANY. IT'S RELATED TO THE ISSUES PRIOR TO CLOSE. SO YOU'RE, YOU KNOW, FINISHING UP OPINION LETTERS, FINISHING UP THOSE SORTS OF THINGS, GETTING LEARNED APPROVAL BASED UPON THE PUD ORDINANCE. IF THE HEARING WERE TUESDAY PRESUMABLY WIELD GET THAT DOCUMENT, THAT PUD ORDINANCE THAT I WOULD NEED FOR AN OPINION LETTER AND APPROVAL, PRESUMABLY WEDNESDAY MORNING, WHICH PUTS THE THURSDAY OUT OF JEOPARDY. IT'S NOT A TITLE ISSUE. THERE ARE DOCUMENTS, AND LAWYERS CAN WORK AROUND THE CLOCK ON TUESDAY TO GET IT DONE. THE ISSUE IS IF IT WERE TOMORROW, THAT GIVES THE OPPORTUNITY TO ACTUALLY DO THAT. OTHERWISE TUESDAY JUST DOESN'T WORK ON OUR SIDE, TO ACTUALLY FACILITATE ALL THOSE ISSUES. IT'S NOT A TITLE COMPANY ISSUE. IT'S MORE OF A LEGAL DOCUMENT AND GETTING THE ACTUAL PUD DOCUMENT IN FRONT OF OUR LENDERS.

MAYOR WYNN: FURTHER QUESTIONS, COMMENTS? WELL, SO, MS. TERRY, CAN YOU HELP US HANDICAP, YOU AND YOUR STAFF'S ABILITY TO TAKE WHAT LIMITED DOCUMENTATION WE HAVE RIGHT NOW AND MIGHT HAVE HERE IN THE NEXT FEW HOURS AND HOW WELL COULD YOU PREPARE COUNCIL BY 1:30 TOMORROW AFTERNOON?

TERRY: MAYOR, WE ARE DOING OUR DEAD LEVEL BEST TO GET YOU TO 1:30 TOMORROW AFTERNOON. THEY HAVE BEGUN THE REVIEW ALREADY. WE HAVE RECEIVED ENLARGED EXHIBITS FOR US TO TAKE A LOOK AT. MY FOLKS ARE -- MY FOLKS HAVE BEEN BACK IN THE BACK LOOKING AT THOSE DOCUMENTS. WE'RE GOING TO GIVE YOU OUR BEST

REVIEW BY 1:30 AND WE'RE GOING TO HAVE OUR -- IF THERE IS A NEED FOR US TO WORK WITH -- MAKE REVISIONS, WE WILL DO OUR BEST TO HAVE THOSE TO YOU AT 1:30. I CAN OFFER AN ADDITIONAL -- AN ADDITIONAL, PERHAPS, COMFORT ZONE, AND THAT IS RECESS TILL 1:30, WE COME BACK -- WE COME BACK WITH OUR RECOMMENDATIONS AND OUR REVIEW, AND YOU STILL HAVE TIME TO POST FOR A SPECIAL CALL MEETING ON TUESDAY IF THAT IS YOUR DECISION, IF THAT'S YOUR CHOICE. SO YOU HAVE THAT ADDED FLEXIBILITY. BUT WE'LL MAKE OUR BEST -- WE'LL TAKE OUR BEST SHOT, AND MAYOR, THE REASON FOR THAT IS THE DOCUMENT WAS, IF EVERYONE HAD REVIEWED IT AND WAS COMFORTABLE AND WE WERE REVIEWING A FINAL DOCUMENT THERE WOULDN'T BE ANY QUESTION. THE PROBLEM IS WE HAVE A SENSE THAT THAT MAY NOT BE THE CASE, BECAUSE IT DOESN'T APPEAR THAT EVERYBODY HAS HAD A CHANCE TO REVIEW IT. SO OUR CONCERN IS THAT THIS IS GOING TO BE A CONTINUING ONGOING SET OF CHANGES TO THE DOCUMENT AND SO WE AREN'T GOING TO HAVE A CHANCE -- HAVE A FINAL REVIEW OF THE DOCUMENT FOR YOU. BUT BARRING A LOT OF CHANGES, YOU KNOW, OR SOMETHING ELSE UNEXPECTED, I THINK MARTY IS RIGHT. LET'S JUST SEE WHAT WE CAN DO AND THEN MAYBE WE CAN TALK FOR JUST A LITTLE BIT AFTER WE'RE DONE HERE. MAYBE WE CAN EVEN PUT A PROCESS IN PLACE AND SEE WHAT -- HOW WE CAN GET TO 1:30 TOMORROW.

MAYOR WYNN: THANK YOU. FURTHER QUESTIONS, COMMENTS, COUNCIL? SO THEN WITHOUT OBJECTION, WE WILL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, NOTING THAT OUR ONLY TWO ITEMS LEFT ON THIS WEEK'S AGENDA ARE ITEMS 64 AND 65. THESE ARE TWO PUBLIC HEARINGS THAT ARE OPEN AND WILL REMAIN OPEN, AND WE SHALL RECONVENE TOMORROW AT 1:30 P.M. IN THESE CHAMBERS TO TAKE UP THE CONTINUATION OF THIS PUBLIC HEARING, ITEMS NO. 64 AND 65. AND I APPRECIATE EVERYBODY'S PATIENCE AND FLEXIBILITY AND HARD WORK, PARTICULARLY BETWEEN NOW AND THEN. WE ARE NOW IN RECESS.

STAFF HAS MET WITH BOTH THE NEIGHBORHOOD REPRESENTATIVE AND THE OWNERS. REPRESENTATIVE OR THE POTENTIAL BUYER'S REPRESENTATIVE EARLIER TODAY, AND WE HAVE WALKED THROUGH THE CHANGES THAT STAFF HAS SUGGESTED IN THE ORDINANCE. I THINK THEY ARE REPRESENTATIVES HERE FOR THE CONCORDIA AND THE FUTURE BUYER AND THE NEIGHBORHOOD AND THEY CAN SPEAK TO THEIR AGREEMENT. THERE WERE SEVERAL PRIVATE COVENANTS BEING DISCUSSED. WE HAVE NOT RECEIVED THEM AS OF YET, AND SO WE ARE NOT AT LIBERTY TO DISCLOSE WHAT THOSE ARE, BUT I KNOW THERE ARE MANY OF THEM THAT HAD BEEN DISCUSSED AND THEY WERE WORKING LAST NIGHT AND IN THE HALL THIS MORNING.

AS FAR AS OUR ORDINANCE GOES, FOR THE PUBLIC SIDE OF THIS POTENTIAL NEGOTIATED PLAN, SO REGARDING THE PARK LAND DEDICATION THAT WOULD BE ON PAGE THREE OF 11, PART 6, PARAGRAPH C, AND WHAT WE HAVE IN FRONT OF US IS BECAUSE OF THAT PARAGRAPH SECTION 25-4 THERE WOULD BE NO PARK LANDS DEDICATION FEE FOR THIS PUD. THAT HAD BEEN IN ANTICIPATION OF THAT BEING, YOU KNOW, A PIECE TO THE LARGER, MORE COMPLICATED NEGOTIATED PUZZLE. AND SO UTION -- ONE POLICY QUESTION WE MAY HAVE AS COUNCIL IS DEPENDING ON WHAT WE HEAR FROM THE PRIVATELY NEGOTIATED POTENTIALLY RESTRICTIVE COVENANTS, COUNCIL MAY HAVE A DIFFERENT OPINION AS TO THE WAIVER OF THOSE FEES BASED ON THE LARGER NEGOTIATED TRANSACTION.

AND AS I SAID BEFORE, THOSE ARE PRIVATE DISCUSSIONS THAT THE CITY HAS NOT BEEN A DIRECT PARTY TO.

CORRECT. OKAY. COUNCILMEMBER?

MY UNDERSTANDING IS YOU ALL HAD AN ANALYSIS OF WHAT THE PROJECTED PARK LAND DEDICATION FEE WOULD BE UNDER OUR ORDINANCE IF IT WERE PAID AS PART OF THE

NORMAL COURSE.

I DON'T HAVE A FIGURE ON WHAT IT WOULD BE IN THE CURPT OR UNANIMOUS BECAUSE THERE IS NOT A SUGGESTION OF A SUBDIVISION. BASED ON THE NUMBER OF UNITS THAT WERE PROPOSED OF 1,250 UNITS TO SOMEWHERE ABOUT -- I THINK IT WAS ABOUT 1400 UNITS, OUR PARKS DEPARTMENT HAS PROPOSED AN AMENDMENT TO OUR CODE THAT WOULD SUGGEST CHANGES OUR PARK LAND DEDICATION REQUIREMENTS WITH A SITE PLAN AND A FEE OF APPROXIMATELY \$650 PAID PER UNIT FOR A SITE PLAN WITH CONDOMINIUM AND MULTIFAMILY DEVELOPMENT. IF YOU TOOK 1,250 UNIT, THE SUGGESTED WOULD BE ABOUT 800 AND GOING UP TO THE LARGER NUMBER OF UNITS, CLOSER TO \$925,000. SO THAT IS THE GENERAL RANGE BEING DISCUSSED. WHAT IS PROPOSED ON THE ORDER UNANIMOUS -- ORDINANCE NOW GOING BEFORE COMMISSIONS AND BOARDS IS \$650 PER UNIT. AT THIS TIME THE PROPOSED BUYER IS NOT SUGGESTING TO SUB DIVIDE THE PROPERTY BUT HAVE SUGGESTED THAT TOWNHOUSES WOULD BE A PART OF THIS PROJECT AND THAT WOULD TRIGGER A SUBDIVISION IN ORDER TO CREAD -- CREATE A TOWNHOUSE UNIT.

SO YOU'RE INDICATING THAT THERE WILL BE A SUBDIVISION OF THIS PROPERTY.

CORRECT.

AND ON THE DAIS, WE'VE BEEN TOLD TIME AND TIME THAT IT WOULD BE SOLD F -- DIVIDED AND SOLID OFF IN PIECES.

AND THAT WOULD TRIGGER THAT.

SO I GUESS WE SELL IT OFF --

PERP IF THE LAND IS CONVEYED FEE SIMPLE TO A DIF OWNER AND THE OWNER MAINTAINS CONTROL OF OUR TRACTS THAT WOULD BE A SUBDIVISION, AND I SEE MR. SUTTLE SHAKES HIS HEAD, NO, IF IT DOESN'T THAT IS NOT A SUBDIVISION AND WOULD NOT NOTER THAT, BUT I WOULD LET MR. SUTTLE

COME TOWARD ON BEHALF OF CONCORDIA.

I'M NOT WORRIED ABOUT THAT, IT SOUNDS LIKE A \$700,000 PAYMENT WOULD NOT -- WOULD REPRESENT LESS MONEY THAN WOULD BE REPRESENTED BY A PARK LAND DEDICATION FEE RECOMMENDED BY STAFF, RIGHT?

THAT IS CORRECT.

GREG, THE SHORT AND SWEET IS WHAT YOU KNOW ABOUT THE PROPERTY NOW IT'S BETWEEN 250 AND 200,000 DIFFERENCE.

IF IT WAS \$700,000 BASED ON THE PROPOSED ORDINANCE STAFF HAS LOOKING AT IT'S PROBABLY MORE BETWEEN 800 TO 900,000, JUST UNDER A MILLION DOLLARS THAT YOU'RE TALKING ABOUT.

OTHER QUESTIONS OR COMMENTS MR. SUTTLE IF YOU HEARD SOMETHING YOU DISAGREE WITH YOU YOU'RE WELCOME TO CHALLENGE US.

FOR THE REST OF THE STORY WE BELIEVE THAT THIS IS A LEGAL TRACT NOT REQUIRED TO BE SUB DIVIDED AND THERE ARE MANY WAYS TO CONVEY OFF PARCELS WITHOUT SUB DIVIDING THIS TACT. AND WE HAD FACTORED THAT INTO THE PROGRAM. AS A PART OF OUR AGREEMENT WITH THE NEIGHBORHOOD, THE NEIGHBORHOOD ASKED US TO CONTRIBUTE \$700,000 TO THE AUSTIN PARKS FOUNDATION AS PART OF OUR PACKAGE DEAL. WE AGREED TO THAT AS LONG AS THERE IS A PROVISION THAT WE DIDN'T GET DOUBLE DIPPED AND BY THAT I MEAN MY CLIENT DIDN'T WANT TO PAY 700 TO THE PARKS FOUNDATION ONLY TO FIND OUT THAT THE CITY HAS AN ORDINANCE THAT TRIGGERED PARK FEES AND GET DOUBLE DIP PFD SO OUR DEAL WAS 700 FOR SURE TO THE PARK FOUNDATION OR A HYPOTHETICAL NUMBER IN THE FUTURE RANGING FROM ZERO TO HOW EVER MANY UNITS GET BUILT TO THE CITY. THE PROJECT WON'T BEAR BOTH WHEN YOU ADD ON THE STREETS, AND SO WHEN YOU SPEAK OF THIS 700,000 DELTA, THAT IS HYPOTHETICAL, AND YOU WOULD HAVE TO BUILD ALL OF THE UNITS AND THAT MAY BE 20

YEARS FROM NOW, AND THERE IS ALSO AN ARGUMENT THAT IT WOULD NOT BE PAID AT ALL BECAUSE THE TACT IS NOT SUBJECT. SO THE DEAL ON THE TABLE IS 700,000 FOR SURE TO THE PARKS FOUNDATION AND THAT IS WITH THE NEIGHBORHOOD AND COMES WITH NOT A DOUBLE-DIP PROVISION OR IT'S STRIKE IT FROM THE ORDINANCE AND WE'LL HAVE A FEE IN THE FUTURE, BUT WE CAN'T DO BOTH, AND THAT IS WHERE WE ARE TODAY.

HE QUESTIONS? COMMENTS? THANK YOU, MR. SUTTLE. ALSO, MR. GUERNSEY HAS DESCRIBED THE PUBLIC PIECE OF THIS PUZZLE REGARDING THE PUD AND THE LAND USE MAP AND AT THAT TIME I THINK IT WOULD HELP COUNCIL TO GET SOME TYPE OF FEEDBACK OR UPDATE ON THE DECISIONS REGARDING POTENTIAL PRIVATE RESTRICTIVE COVENANTS. SO, WELCOME.

MAYOR WYNN. FOR THE PUBLIC AND WITH RESPECT TO THE PUBLIC ORDINANCE FIRST, WE CAME OVER BOTH PARTIES AND RECEIVED STAFF'S COMMENTS AND THE REVISED ORDINANCE AND I RECEIVED A FURTHER REVISED ORDINANCE IN THE LAST HALF HOUR OR SO, AND TOOK THOSE ACROSS THE STREET, BUT AT THE TIME WE WERE ASKING TO APPEAR HERE THERE WAS FURTHER NEGOTIATION GOING ON IN THE OFFICES OF OUR LEGAL COUNSEL, SO WE BELIEVE THERE ARE ISSUES WITH RESPECT TO THE PUBLIC ORDINANCE. WITH RESPECT TO THE PRIVATE AGREEMENTS I THINK I CAN REPRESENT THAT WE ARE VERY CLOSE BUT WE'VE RECEIVED DOCUMENTS EVEN WITHIN THE LAST HALF HOUR AND SO I CAN'T SAY TO YOU THAT IS AGREED TO AND FINALIZED AND NOT BEEN EXECUTED AND I DON'T THINK EVEN THINK THAT I CAN THEY HAVE BEEN FULLY REVIEWED AT THIS POINT. I THINK THAT IS THE STATE OF PLAY.

QUESTIONS FOR MR. RATLIFF OR COMMENTS?
COUNCILMEMBER LEFFINGWELL.

SO YOU'RE NOT READY TO EXPRESS SUPPORT FOR THIS PROJECT, THE PUBLIC DOCUMENT OR THE

PRIVATE DOCUMENT AT THIS POINT?

I DON'T BELIEVE I AM ABLE TO AT THIS TIME,
COUNCILMEMBER LEFFINGWELL, REGRETTABLY.

THANK YOU.

FURTHER QUESTIONS OR COMMENTS?

COUNCILMEMBER COLE.

I WOULD LIKE TO ASK A QUESTION OF MR. RATLIFF
IF YOU MAY. IT'S SHORT. I KNOW Y'ALL ARE STILL
TRADING DOCUMENTS BUT DO YOU HAVE ANY IDEA
HOW LONG IT WOULD TAKE FOR YOU TO GET
COMFORTABLE WITH THE DOCUMENTS THAT YOU
HAVE RIGHT NOW.

ASSUMING THAT THE REMAINING ISSUES WITH
RESPECT TO THE PUBLIC ORDINANCE CAN WE
RESOLVED I THINK THAT THE REMAINING ONES
WITH THE PRIVATE DOCUMENTS ARE FEW. I HAVE A
HARD TIME PUTTING HOURS OR DAYS ON THAT, BUT
I WOULD NOT ANTICIPATE THAT IT WOULD TAKE A
TREMENDOUSLY HARD TIME. I'M SORRY I CAN'T BE
MORE PRECISE --

NO, THAT'S WHAT I WANTED, IF YOU THOUGHT IT
WOULD BE DONE IN AN AFTERNOON OR SO.

WITH THE EFFORT OF ALL PARTIES WE WOULD
CERTAINLY ENDEAVOR TO DO THAT,
COUNCILMEMBER COLE.

FROM OUR PERSPECTIVE I THINK WE ARE, THERE
AND WHEN SHANNON SAYS HE GOT COMMENTS
BACK 20 MINUTES AGO, THAT WAS AS A RESULT OF
A 10-MINUTE TURNAROUND FROM WHAT WE GOT,
AND I THINK THE CHANGES ARE MINIMAL AND I
THINK ANDY IS JUST PUTTING THEM ON HIS
COMPUTER AND COMING BACK. FROM OUR
STANDPOINT, I THINK WE ARE 10 MINUTES AWAY. I
CAN'T SPEAK FOR THE NEIGHBORHOOD BUT FROM
OUR SIDE I SUSPECT WE ARE 10 MINUTES AWAY
AND THAT IS HOW CLOSE WE REALLY ARE.

MAYOR, MAY MAY BE 10 MINUTES AWAY FROM COMPLETING DOCUMENTS BUT MUCH FURTHER AWAY FROM EVERYONE BEING ABLE TO COMPLETELY REVIEW THEM.

WELL, NO, WE ARE DOWN TO CHANGES OF TWO OR THREE WORDS IN A DOCUMENT.

I CERTAINLY APPRECIATE ALL OF THE ARRESTED WORK -- HARD WORK THAT'S GONE ON BY EVERYBODY INVOLVED, INCLUDING STAFF, AND I KNOW THAT WE -- BEEF -- WE'VE BEEN TALKING ABOUT A POTENTIAL DEATH LINE THAT HAS A TREMENDOUS IMPACT ON CONCORD YARDS BUT WE RECESSED THIS MEETING OVERNIGHT WITH THE HOPS OF BEING HERE THIS MORNING WITH AN AGREEMENT, AND MOVING FORWARD. WE ARE CLOSE, BUT WE DON'T HAVE IT. NOW THEY ARE SAYING WE HAVE IT.

WELL, A FUNDAMENTAL PART OF THIS, OBVIOUSLY EVERYBODY IS COGNIZANT OF CONCORDIA'S SITUATION AND THEIR ABILITY AND OPPORTUNITY TO. THE NEW CAMPUS. IF WE COULD GET SOME TYPE OF FEEDBACK AS TO -- WE TALKED ABOUT THIS YESTERDAY, BUT HOPEFULLY WITH THE FOLKS HAVING A FEW MORE HOURS TO HAVE CONTEMPLATED AND THOUGHT ABOUT THE COMPLEXITY AND TIMING OF THAT CLOSING, IF WE COULD GET ONE LAST CONFIRMATION AS TO THE TIMING OF THAT TRANSACTION, WE WOULD APPRECIATE IT. THAT IS, YOU KNOW, WE'VE CONTINUED THIS MEETING TODAY IN THE HOPES THAT THERE COULD BE A FINAL DECISION TODAY, AND WE TALKED ABOUT LAST NIGHT AND I HAVE THE ABILITY TO ASK PER CITY CHARTER ASK THE CLERK TO POST FOR A SPECIAL CALL MEETING WITHIN -- WITH 72 HOURS NOTICE, AND SO TECHNICALLY BY MONDAY AFTERNOON -- WE TALKED ABOUT TUESDAY, YESTERDAY, HERE ON THE DAIS -- THERE COULD BE A POSTED SPECIAL CALL MEETING. NOW, WHETHER OR NOT WE HAVE THAT, WILL STILL BE DEPENDENT ON TECHNICALLY A QUORUM, AND WE DON'T WANT FOLKS TO HAVE TO DO THAT, BUT IF MONDAY OR TUESDAY ARE NOT AN OPTION BECAUSE OF THE COMPLEXITY OF

TIMING OF THE THREE-PARTY TRANSACTION THEN WE'LL HAVE A DIFFICULT DECISION TO MAKE HERE THIS AFTERNOON. MR. PRESIDENT --

MR. MAYOR. LEAVE ME TALK TO A FEW FOLKS HERE, BUT OBVIOUSLY IF WE DO NOT COME TO THE TABLE ON THURSDAY, WE ARE DONE.

THAT --

THAT IS JUST IT. AND AGAIN, WE DON'T HAVE THE CASH TO DO THIS TRANSACTION WITHOUT A BUYER. AND SO IF THE BUYER DOESN'T COME TO THE TABLE ON THURSDAY, WE ARE DONE AND GO INTO DEFAULT. AND MONEY GETS YOU OUT OF DEFAULT SOMETIMES I GUESS, BUT AGAIN, IT'S A COST THING.

SO I GUESS THAT BEINGS THE QUESTION. HAS PL THERE BEEN SOME DISCUSSION WITH YOUR SELLER WITH THE OPPORTUNITY FOR AN EXTENSION OR SOME STIEP OF RELIEF FROM THE OTHER SIDE OF THIS EQUATION?

AGAIN, WE CAN GO TO THOSE PEOPLE TO ASK THAT QUESTION, AND THERE ARE TWO COMPONENTS TO THAT: THE COST AND THE TIMING ISSUE. IF WE HAD CONFIDENCE THINGS WERE GOING TO GET RESOLVED AND THIS IS WHAT I NEED TO TALK TO THE TWO PARTIES HERE TO SAY YOU KNOW, IT WAS TWO WEEKS AGO AND A MONTH AGO, AND IS IT GOING TO BE FRIDAY OR IS IT GOING TO BE TUESDAY OR ARE WE GOING TO GET TO RESOLUTION OR NOT? I THINK THAT IS A FUNDAMENTAL ISSUE. BUT IT IS A -- SO IT'S IN BOTH DOMAINS: COST AND TIME. AND WE ARE SLID OFF, WE ARE IN A BAD SITUATION. SO CAN I TAKE JUST A MINUTE --

PLEASE DO.

OKAY.

THE LAST THING WE WANT TO DO IS RUSH TO A DECISION WE'LL REGRET.

MAYOR.

COUNCILMEMBER LEFFINGWELL.

AS I RECALL, THE PUBLIC HEARING IS STILL OPEN ON THIS AND I WONDER IF WE COULD TAKE THE PUBLIC HEARING WHILE THEY ARE HAVING THE DISCUSSIONS --

THAT IS CERTAINLY AN OPPORTUNITY, WE'VE MAINTAINED AND KEPT THE PUBLIC HEARING OPEN AND THERE ARE STILL 17 FOLKS ACCORDING TO OUR SYSTEM WHO HAVE SIGNED UP WISHING TO ADDRESS US, AND THIS MAY HAVE ROLLED OVER FROM THE PREVIOUS MEETING, I'M NOT SURE ABOUT THAT, AND I WAS HOPING THERE WOULD BE A LITTLE MORE INFORMATION HERE AND SO AS WE TOOK ADDITIONAL TESTIMONY PEOPLE WOULD KNOW WHAT THEY ARE TESTIFYING ABOUT.

IF I COULD OFFER A SUGGESTION IF WE ARE GOING TO TALK ABOUT A SPECIAL CALLED MEETING ON TUESDAY, AS THE PRESIDENT OF THE UNIVERSITY JUST RECALLS NUMEROUS GUESTS AND THIS HAS BEEN PUSHED ALONG. PERHAPS AN IDEA MIGHT BE TO POSTIT IN THE EVENT THAT ALL OF THE PARTIES ARE COMPLETED WITH THEIR DISCUSSIONS 24 HOURS PRIOR SO WE COULD NOT GO AHEAD WITH THE MEETING IF THE DISCUSSIONS ARE NOT COMPLETED 24 HOURS PRIOR TO THE EVENT. IT JUST SEEMS TO ME THAT PUTS A DEADLINE AND KEEPS THIS KIND OF THING FROM HAPPENING ONE MORE TIME.

UNDERSTOOD.

FROM WHAT I UNDERSTAND NOW, THE PRIVATE DOCUMENTS ARE DONE.

WELL, THERE ARE THREE PIEFT PRIVATE DOCUMENTS WE ARE TALKING ABOUT, SUBSTANTIVE DOCUMENTS AND TWO ARE DONE AND ONE WAS SENT TO US WITH A LOT OF RED LINES, AND THAT THIRD DOCUMENT IS THE EASEMENT CONCERNS UP TO THE PROPERTY LINE ON PARCEL C AND MOVING THE ROADWAY, THE

DRIVE OVER TO THE CHURCH PROPERTY. I TELL YOU THAT TO SAY IF WE NEED TO, I THINK THE APPLICANT IS SAYING WE CAN JUST FORGET ABOUT THAT, AND TAKE THAT OFF THE TABLE. SO THE ONLY PRIVATE DOCUMENT OUT THERE REALLY IN FLUX IS THAT ONE, AND WE CAN ELIMINATE IT IF WE NEED TO. I JUST CALLED BACK TO OUR GROUP, AND THEY ARE ALL OVER THERE WHEN THE EXCEPTION OF ME AND SHANNON WORKING THROUGH THE PUD ORDINANCE, THE CHANGES WE GOT YESTERDAY AND TODAY, AND THEY ARE SAYING THEY ARE ABOUT HALFWAY THROUGH IT. GIVEN HOW THIS HAS GONE -- THAT IS MY ESTIMATE, YOU WERE ASKING FOR MY ESTIMATE, I THINK TWO, THREE HOURS IS PROBABLY RIGHT. AND I DON'T KNOW IF SHANNON HAS A DIFFERENT OF OPINION ABOUT THAT, BUT I'M JUST BEING VERY REALISTIC, WHEN CAN WE COME BACK WITH A DOCUMENT THAT IS DONE? IT'S NOT IN 10 MINUTES TO HAVE IT WHERE THIS GROUP IS HAPPY AND CONSIDERING WE ARE MAKING CHANGES AS IT WE SPEAK AND THE APPLICANT AND THE CITY HAVEN'T SEEN THOSE CHANGES. I THINK A FEW MINUTES IS UNREALISTIC BUT A FEW HOURS IS. IS IT GOING TO GET DONE? I THINK IT IS, WE'VE MADE TREMENDOUS PROGRESS, AND IT WILL ULTIMATELY. BY 5:00 TODAY? I DON'T KNOW.

MS. MEADE.

FROM THE BUYER'S PERSPECTIVE, THE BUYERS OF THE CURRENT CON-- CONCORDIA CAMPUS, I BELIEVE THIS WOULD BE AS COMPLICATED A TRANSACTION AS ANYONE HAS SEEN IN A LONG TIME, BUT WE NEED A CONFIRMATION ON THE NEEDED TIME NEXT WEEK PRIOR TO THURSDAY TO CONSUMMATE THE TRANSACTION.

THE NEEDS IS DUE TO THE FACT IT IS A COMPLICATED TRANSACTION, GIVEN THE AMOUNT OF CHANGE WE SEE DAY TO DAY, HOUR TO HOUR AND MINUTE TO MINUTE CHANGES WHAT WE ARE DOING AND THAT IMPACTS BOTH OUR LENDERS AND OUR EQUITY GUYS IN TERMS OF HOW WE ARE GOING TO STRUCTURE AND CHANGE THE TRANSACTION. YOU HAVE LENDERS' OPINIONS AND

THIS IS A VERY, VERY BIG ONE, NOT A NORMAL \$15 OR \$20 MILLION PURCHASE OF A BUILDING OR LAND. THERE ARE A LOT OF ZEROS EAR -- HERE BECAUSE OF HOW BIG IT IS, AND THE TIME NEEDED FOR THAT, GOING THROUGH THAT PROCESS TO ENSURE THAT WE CLOSE PRIOR TO MARCH 29 TO ALLOW THEM TO CLOSE SIMULTANEOUSLY ON THEIR PURCHASE OF THE OTHER TRACT. MY UNDERSTANDING NOW IS THAT THE PRIVATE DOCUMENTS ARE ACTUALLY DONE, AND ALL OF US WORKED THROUGH THE NIGHT TO GET THOSE IN GOOD ORDER. OF THE THREE DOCUMENTS THE ONE THAT IS NOT DONE WE ARE PULLING OFF THE TABLE, AND THE TWO OTHERS ARE DONE AND WE HAVE AN EXECUTION COPY HERE AND WE COULD SUBMIT THAT AND NOW WE JUST HAVE THE PUD THAT EVERYONE HAS BEEN WORKING ON FOR WEEKS. WE MET WITH THE STAFF AND CITY ATTORNEYS THIS MORNING, AND WALKED THROUGH THAT, AND THERE IS AN ADVISORY COPY AT THAT MEETING AND WE ARE HERE NOW, BUT I DON'T THINK IT'S CHANGED SUBSTANTIVELY OVER THE PAST WEEK, UNLESS I MISSED SOMETHING, BUT IT'S BEEN AROUND FOR SOME TIME.

MAYOR.

COUNCILMEMBER MARTINEZ.

SOUNDS LIKE BOTH SIDES NEED MORE TIME. QUITE FRANKLY I'M FRUSTRATED. THIS IS NOT A PROJECT THAT CAME UP OVERNIGHT. THIS IS SOMETHING PROPOSED MONTHS AND MONTHS AGO. I'M GOING TO MAKE A MOTION TO POSTPONE. WE HAVE A COUNCIL MEETING ON APRIL 5 AND YOU HAVE UNTIL CLOSE OF BUSINESS TODAY AT 5:00 IF WE WANT TO SCHEDULE A SPECIAL-CALLED MEETING. IF YOU'RE THAT CLOSE, YOU'LL GET IT DONE AND IF YOU'RE NOT, IT WILL COME BACK ON APRIL 5, BUT IT GIVES YOU THE REST OF THE DAY TO GET THINGS TOGETHER, AND WE CAN POSTA SPECIAL-CALLED MEETING IF NECESSARY. OTHERWISE IT WILL COME BACK ON APRIL 5.

WELL, WE HAVE A MOTION ON THE TABLE, AND I WANT TO MAKE SURE I UNDERSTAND AND CONFIRM

A FEW THINGS. I HEARD IF THE BUYER OF THE CURRENT CONCORDIA CAMPUS DOESN'T HAVE THE ABILITY TO CLOSE THURSDAY THE 29TH THEN CONCORDIA LOOSES THEIR OPPORTUNITY TO PURCHASE THE CLOSE ON THEIR CONTRACT TO PURCHASE THE CAMPUS ON 620. I ALSO THINK I HEARD THE BUYER OF THE CONCORDIA CAMPUS SAY THAT HE IS NOW WITHDRAWING, PULLING BACK THE NEED FOR THE THIRD PRIVATE RESTRICTIVE COVENANT, THE EASEMENT AND PROPERTY LINE AND STREET ADJUSTMENT AGREEMENT, SO THEREFORE THE REMAINING TWO PRIVATE RESTRICTIVE COVENANTS ARE DONE AND ARE PREPARED TO BE EXECUTED HERE TODAY. SO -- AND THEN WE HAVE REALLY JUST BASED ON THOSE TWO PRIVATE RESTRICTIVE COVENANTS OUR DECISION HERE ON THE PUD OR THE PUBLIC ORDINANCE HERE, THE PUBLIC PART OF THIS PUZZLE. AND SO MY UNDERSTANDING IS A POSTPONEMENT TO APRIL 5, YOU KNOW, KILLS THIS DEAL, EVEN WITH -- BECAUSE WE ARE FULLY NEGOTIATED NOW ANYWAY, AND CONCORDIA CAN'T CLOSE ON THURSDAY THE 29.

MY MOTION IS SIMPLY FOR POSTPONEMENT. IF WE POST A SPECIAL CALLED MEETING BY THE END OF BUSINESS TODAY, THEN WE CAN DO IT TUESDAY AND IF NOT, APRIL 5 IS OUR NEXT COUNCIL MEETING.

I RESPECT THAT BUT I BELIEVE I ALSO HEARD THAT THE BUYER IT'S HIS OPINION THAT HE WILL NOT PHYSICALLY BE ABLE TO CLOSE HIS TRANSACTION THURSDAY WITH A FINAL DECISION MADE ON TUESDAY. 48 -- OR MORE 40 HOURS IS NOT ENOUGH TIME TO TAKE FINAL ACTION, AN ORDINANCE THAT PASSES EMERGENCY SESSION AND THAT I SIGN ON THE DAIS, 40 HOURS WILL NOT ALLOW FOR THE CLOSING ON THURSDAY.

THE AGENT FOR MR. SAURWALL CAME UP AND SAID HE WOULD BE WILLING TO ASK YOU NOT TO SIGN THE ORDINANCE UNTIL FULL AGREEMENT IS MADE, AND IF THAT IS THE CASE THEN...

AND THAT MEANS WE HAVE DOCUMENTS ON THEIR

WAY OVER FOR SIGNATURE BY CONCORDIA. THE BOARD MEMBERS ARE HERE FROM CONCORDIA, AND THEY WOULD LIKE TO READ IT BEFORE SIGNING BUT IF THE ORDINANCE IS PASSED THEY WOULD JUST LIKE TO READ IT AND SIGN IT, AND MAYBE THE SAFETY VAWL IS YOU DON'T SIGN IT UNTIL THEY SIGN THE COVENANTS. THAT IS WHAT I WAS THINKING. YOU STILL HAVE TO HAVE A PUD TODAY, BUT WE ARE GOING TO HAVE THIS SIGNATURE DEAL AND I'M ASSUMING THAT YOU WANT TO SIGN LAST. THAT IS WHAT I WAS SAYING.

MAYOR, I GUESS THE PROBLEM I'M HEARING IS THAT THE BANK WON'T AGREE TO TAKE ACTION ON THESE DOCUMENTS UNTIL THEY'VE HAD 24 TO 48 HOURS AFTER THEY ARE COMPLETED BEFORE THEY WILL TAKE ACTION AND THAT IS CONSIDERED PRUDENT BUSINESS PRACTICE AND WE ARE BEING ASKED TO DO WHAT IS BY DEFINITION IMPRUDENT BUSINESS PRACTICE BY RUSHING THROUGH THESE DOCUMENTS. BEFORE THE DOCUMENTS ARE COMPLETED. I DON'T THINK WE ARE GOING TO BE IN A POSITION WHERE WE CAN IMPERFECT SOUND JUDGMENT. AND IF WE ARE BEING TOLD SOMEONE ELSE IS GOING TO REQUIRE 24 TO 48 HOURS AND WE ARE BEING ASKED TO VOTE WHILE THE INK IS NOT EVEN DRY ON THEM. I SUPPORT COUNCILMEMBER MARTINEZ' MOTION, AND I THINK PART OF THE REASON WHY IS THE EVIDENCE WE HAVE, WE HAVE OTHER PEOPLE SAYING THEY WOULD NEVER TAKE ACTION ON THIS SO QUICKLY --

HOLD ON, COUNCILMEMBER LEFFINGWELL.

I JUST WANTED TO RAISE A POINT OF ORDER THAT WE OUGHT TO HAVE A SECOND BEFORE WE ENTER INTO DISCUSSIONS AND SO I WILL SECOND FOR PURPOSES OF DISCUSSION.

WE HAVE A MOTION AND SECOND TO POSTPONE THESE TO APRIL 5.

MAYOR, I HAVE A QUESTION, I'M TRYING TO UNDERSTAND WHETHER THE MOTION CONTEMPLATES WHERE THE PARTY WOULD COMPLETE THIS TODAY AND WE TAKE ACTION ON

IT --

MAYOR, MY MOTION WAS JUST FOR POSSESS --
POSTPONEMENT AND NOT TO A DATE.

MY UNDERSTANDING IS WE ARE ALMOST CALLING
FOR MORE OF A RECESS, AND PERHAPS WE CAN
HEAR THE PUBLIC SYSTEM AND SEE IF WE NEED TO
RECESS FOR AN HOUR SINCE THE DOCUMENTS ARE
COMING AND THEN DEAL WITH THE QUESTION OF
POSTPONEMENT.

MS. TERRY.

MAYOR AND COUNCIL, IN TERMS OF THE STAY LAW
NOTICE REQUIREMENTS IF YOU POSTPONE TO APRIL
5, I CAN'T BRING THIS ITEM BACK AT SPECIAL
CALLED MEETING. SO MY RECOMMENDATION IS
YOU POSTPONE TO YOUR SPECIAL CALLED MEETING
AND THEN WE DO IT A STEP AT TIME, OTHERWISE, I
CAN'T BECAUSE THIS IS A ZONING MATTER, AND
BECAUSE OF STATE LAW ZONING NOTICE, I HAVE A
GAP AND I DON'T HAVE YOU PROPERLY HAVING
POSTPONED IT SUCH THAT YOU COULD CONSIDER IT
AS A SPECIAL CALLED MEETING.

FAIR ENOUGH.

MAYOR, MAY I OFFER ONE MORE ALTERNATIVE.

MR. SUTTLE.

BECAUSE THE CHURCH COVENANT AND SETBACK
DEAL WE KNOW IS GOING TO COME OUT BECAUSE
WE DON'T HAVE A SIGNED CHURCH DEAL, BUT WE
KNOW WE ARE BRINGING THAT RIGHT BACK TO
YOU AS A PUD AMENDMENT WHEN WE HAVE THAT
EASEMENT. IF YOU ENACT WHAT YOU HAVE
BEFORE YOU TODAY AND I THINK EVERYBODY IS
GOING TO BE COMFORTABLE WITH IF ANDY WOULD
COME DOWN, WE WOULD COMMIT THAT WITHIN A
WEEK WE'LL FILE A PUD AMENDMENT ON THE
CHURCH ISSUE WHEN WILL OPEN THE ENTIRE PUD
UP AND IF WE HAVE MISSED SOMETHING THAT YOU
OR COUNCILMEMBER McCRACKEN IS
UNCOMFORTABLE WITH, AS A BODY YOU HAVE

MORE FLEXIBILITY THAN A BANK. IF THIS BLUE -- BLEW UP, YOU COULD ROLL THE ZONING BACK THE NEXT WEEK, BUT I WILL MAKE A COMMITMENT ON THAT FOR THE CHURCH PROPERTY THAT WE ARE NOT READY ON TODAY, AND YOU WILL HAVE AN OPPORTUNITY SEE THE WHOLE THING AGAIN. I JUST TRULY BELIEVE THAT THIS DEADLINE OF WHAT ANDY NEEDS TO DO IS CLOSE ESCROW SO ALL OF THE CLOSINGS WITH CALL ON THURSDAY. AND ANOTHER ALTERNATIVE, AND I HESITATE TO ASK THIS BECAUSE I KNOW I'M GOING TO GET SOME GLARES BUT I TRULY BELIEVE THAT WE ARE DOWN TO THE ORDINANCE. I HAVE NOT SEEN IT BUT I CAN TAKE STAFF'S WORD THAT THE CHANGES MADE WERE MINIMAL AND IT'S GOING TO BE MINE. I'M NOT EVEN GOING TO LOOK AT IT, I'M TAKING THE REPRESENTATIONS FROM STAFF. IT'S NOT A HOLLOW -- IT IS OUR PROBLEM BUSINESS-WISE, BUT IT'S NOT A HOLLOW PROBLEM IN THIS DOESN'T CLOSE. AND IF THERE IS ANY OTHER ALTERNATIVE THAN GOING TO TUESDAY, I OPEN -- HOPE THAT YOU WILL CONSIDER IT, WE'LL COME BACK THIS AFTERNOON.

AGAIN, COUNCIL, IF WE WERE TO VOTE ON TUESDAY, IT'S MY UNDERSTANDING THAT DOES NOT ALLOW CONCORDIA TO CLOSE THEIR CONTRACT ON THURSDAY MORNING. SO BY SUGGESTING THAT WE'LL VOTE ON TUESDAY, MY UNDERSTANDING IS WE ARE VOTING NO AND KILLING THIS TRANSACTION THIS AFTERNOON.
COUNCILMEMBER KIM.

I JUST WANTED TO ASK THE BUYER OF THE PROPERTY, HAVE THEY NEGOTIATED OR EVEN ASKED THE SELLER OF THE PROPERTY ON THE POSSIBILITY OF AN EXTENSION, BECAUSE THAT WAS NOT CLEAR TO ME THAT YOU HAD ASKED FOR AN EXTENSION.

THE EXTENSION FROM OUR SIDE ACTUALLY WOULDN'T WORK IF THEY DIDN'T GET AN EXTENSION FROM THE FOLKS THEY ARE BUYING THE PROPERTY FROM, AND SO THAT IS THE DRIVING ISSUE FOR WHY WE CAN'T GET AN EXTENSION --

BETTER THAN BETTER THAN BECAUSE --

BECAUSE YOU NEED TO SELL THE PROPERTY FOR THE CASH --

THEY ARE ACTUALLY FUNDING WEDNESDAY AFTER SO THEY CAN CLOSE THURSDAY MORNING ON THE LION STONE PROPERTY. SO THE MONEY IS ACTUALLY GOING OUT WEDNESDAY AFTERNOON AND BEING WIRED THURSDAY MORNING TO ALLOW THEM TO TAKE THE CASH --

AND HAVE THEY BEEN ASKED TO GRANT AN EXTENSION.

THAT IS THE AUSTIN RESERVE AND THE ISSUE FOR THEM IS MONEY AND TIME. ALTHOUGH THEY'VE CONVERSED ABOUT IT, THEY CAN'T DO IT MONEY AND TIME-WISE, THEY HAVE A STATUS OF WHAT THEY HAVE TO DO OR A TIME LINE --

BUT THERE IS ALSO AN EXTENSION THAT CAN BE BOUGHT OR AGREED TO. I MEAN, IF THE SELLER WANTS TO SELL THE PROPERTY, THAT SAN OPTION FOR THE SELLER.

UNDERSTOOD, I HAVE NOT BEEN A PARTY TO THE NEGOTIATIONS WITH THE LION STONE FOLKS --

SO IS CONCORDIA HERE TO TALK ABOUT SEAN -- SHAMBERGER ABOUT AN EXTENSION?

THE REAL QUESTION IS CAN WE NEGOTIATE SOMETHING LIKE THAT NOW, AND I CAN'T REPRESENT THE SELLER THAT WE ARE BUYING FROM.

HAVE YOU ASKED THE SELLER --

NO, I HAVE NOT, WE WERE IN MEETINGS ALL DAY ABOUT THIS ABOUT CLOSING ON THE 29TH.

SO THE ANSWER IS A NO BECAUSE THEY HAVEN'T BEEN ASKED.

NO, AND THE QUESTION ALSO IS AND I'M TRYING TO

BE APOLITICAL HERE IN TERMS OF THE PEOPLE WE ARE BUYING THIS FROM, BUT IT'S GOING TO COST A LOT OF MONEY TO DO THAT, AND YOU NEED TO UNDERSTAND THE DIRECTION THEY OPERATE FROM.

WHAT? LIKE \$5,000 A DAY?

I HAVE NO IDEA, BUT WITH THESE PEOPLE, IT'S NOT CHEAP, AND I'M TALKING LOTS OF MONEY.

BECAUSE OF OTHER BUYERS LINED UP?

LOTS OF ISSUES THERE, AND I JUST CAN'T GO INTO THE DETAILS T'S A PART OF THE CONFIDENTIAL AGREEMENTS.

ALL RIGHT. WELL, WE ARE NOT -- WE ARE NOT DOING ANYTHING ON THIS TODAY IT SEEMS UNTIL -
-

YUP.

OKAY.

MAYOR.

COUNCILMEMBER MARTINEZ.

I THINK IT PUTS US IN A REALLY TOUGH POSITION WHEN WE ARE TOLD WE ARE PUSHED UP AGAINST A DEADLINE BUT WE HAVE CONFIDENTIALITY AGREEMENTS THAT PERTAIN TO THE DEADLINE AND WE CAN'T GET A STRAIGHT ANSWER. I'M NOT CRITICIZING YOU, IT'S THE PROCESS AND IT'S THE POSITION WE ARE STUCK IN TODAY.

-- ON GOING. WE ARE DONE ON THE 620 SITE, THAT COMPLETED A MONTH OR SO AGO I WOULD SUSPECT. AND WE APPRECIATE ALL OF YOUR SUPPORT AS WE WENT THROUGH THAT, AND THERE WERE VERY DIFFICULT ISSUES ON THAT SIDE, BUT THAT'S BEEN COMPLETED FOR QUITE A WHILE.

MAYOR, I WOULD BE WILLING TO WITHDRAW MY MOTION AND CONDUCT THE PUBLIC HEARING AND

AFTER THAT, RECONSIDER IT.

OKAY, SO THE MOTION HAS BEEN WITHDRAWN TO POSTPONE. ANY OTHER QUICK COMMENTS OR QUESTIONS BY COUNCIL BEFORE WE OPEN -- CONTINUE OUR PUBLIC HEARING FROM ANYBODY WHO WOULD LIKE TO GIVE US TESTIMONY? HEARING NO QUESTIONS AND NOW WE'VE GOTTEN FEEDBACK FROM ALL THREE PARTIES I WILL START CALLING FOLKS WHO PREVIOUSLY SIGNED UP WISHING TO SPEAK, AND I DON'T KNOW IF THIS IS FROM TODAY OR A CONTINUATION OF OUR EARLIER MEETINGS. OUR FIRST SPEAKER, AND AGAIN, WE HAVE ABOUT THREE HOURS WORTH OF TESTIMONY IF EVERYBODY WORK TO TAKE THEIR TIME. FIRST SPEAKER IS BRIAN PENN, SIGNED UP, WISHING TO SPEAK, AND CHECKED THE "IN FAVOR" BOX AS DID VICK MATHIAS. AND IF YOU WOULD LIKE TO SPEAK, YOU'RE WELCOME TO DO THAT NOW, AND YOU'LL FOLLOWED BY KELLY RAMSEY.

GOOD AFTERNOON, LADIES AND GENTLEMEN, I USED TO BE VICK MATHIAS AND CAME TO CHAMBERS WHEN I WAS C.E.O. OF THE AUSTIN CHAMBER OF COMMERCIAL BUT I HAVEN'T DONE THAT IN SOME TIME. MY FIRST WISH HERE IS I DO NOTHING THAT MIGHT CONFUSE THE ISSUE OR DELAY IT, I THINK A DELAY WOULD BE NOT IN THE BEST INTERESTS OF ALL PARTIES CONCERNED, INCLUDING THE CITY OF AUSTIN. I'M HERE TODAY ONLY AS A MEMBER OF ST. PAUL LUTHERAN CHURCH, ONE OF THE ADJOINING PROPERTIES TO CONCORDIA, AND WAS GOING TO SPEAK IN REGARD TO THE USE OF LUTHERAN LANE, AND FROM THE DOCUMENT, I REALLY DON'T KNOW HOW IT SPEAKS TO THAT, AND SO I DON'T KNOW WHAT TO DO. OBVIOUSLY WE OPERATE A SCHOOL -- LUTHERAN LANE IS A ONE-BLOCK STREET AND DEAD ENDS AT THE OTHER END, AND WE HAVE A ELEMENTARY AND A MIDDLE AND AN ACADEMY WHICH IS A HIGH SCHOOL. AND MY ESTIMATE IS AROUND SOMEWHERE AROUND 350 PEOPLE WHO DISCHARGE THERE EACH MORNING AND AFTERNOON, AND SO THAT IS 700 GOING AND COMING. WE WERE HOPING THAT NO ADDITIONAL TRAFFIC WOULD BE PUT ON THAT STREET WHERE ALL OF THE KIDS ARE OFF-

LOADED TO THE SCHOOL. THIS IS NOT SOMETHING WHICH DELAYS THE OPERATION IN ANY WAY, AND SO I WOULD HOPE THAT YOU COULD PROCEED AND THAT BEFORE THE DAY IS OVER THAT THE PARTIES CAN PURSUE ALL OF THEIR CLOSINGS AND GET EVERYTHING DONE. BUT I THANK YOU FOR THE TIME.

THANK YOU, MR. MATHIAS. KELLY RAMSEY IS SIGNED UP, WISHING TO SPEAK. WELCOME, TO BE FOLLOWED BY SHANNON RATTLIFF.

WELL, I WANTED TO SPEAK ABOUT THIS ISSUE AFTER KNOWING THAT WE HAD AN AGREEMENT, AND I REALLY DON'T FEEL COMFORTABLE SPEAKING UNTIL THEM -- THEN THEN. IS THERE A WAY THAT I CAN SPEAK AFTER THE AGREEMENT HAS BEEN REACHED?

JUST DEPENDS ON WHETHER OR NOT THE COUNCIL CLOSES THE PUBLIC HEARING. AT SOME POINT WE ARE GOING TO TAKE ACTION AND WE CLOSE THE PUBLIC HEARING ALWAYS BEFORE WE TAKE ACTION. I WOULD LIKE TO HAVE HAD FOLKS HAVE THE CHANCE TO THAT YOU CAN ABOUT AN AGREEMENT AS WELL --

I THINK BOTH AFFIRMATIVE AND NEGATIVE ON THE ISSUE WOULD RATHER KNOW WHERE WE STAND. IT'S DIFFICULT FOR US TO SPEAK, I'M SURE EVERYBODY WOULD AGREE WITH THAT, SPEAKING ON EITHER SIDE, AND SOME OF US MAY EVEN WAVE OUR -- WHEY -- WAIVE OR RIGHTS TO SPEAK.

UNDERSTOOD.

SO NO WAY OF DELAYING MY TALKING?

IF A COUNCILMEMBER HAS A QUESTION OF YOU AFTERWARDS F WE GET ANY UPDATE AS TO A POTENTIAL TRANSACTION THEN IT WOULD BE APPROPRIATE TO RESPOND AND SPEAK THEN.

IT KIND OF WOULD CHANGE WHAT I WOULD SAY, AND I GUESS I WILL JUST TALK ABOUT A COUPLE OF THINGS THAT ARE GENERAL ISSUES WITH ME ME, I

FEEL THAT IN THE CITY OF AUSTIN WE ARE
TOWGHTED AS BEING A FORWARD THINKING
PROGRESSIVEIVE CITY. WE'VE EVEN BEEN ON "THIS
OLD HOUSE" AND THEY SHOW ALL OF THE GREAT
THINGS THAT THE CITY OF AUSTIN IS COMING UP
WITH TO MEET THE CARBON NEUTRAL DEADLINE
OF 2020, TRYING TO AVOID SPRAWL AND HAVING
INADEQUATE TRANSPORTATION SYSTEMS -- PUBLIC
TRANSPORTATION SYSTEMS. AND BY HAVING ALL
OF THAT, WE CAN HELP REACH THAT GOAL. I'VE
ALWAYS BEEN A PROPONENT OF MART GROWTH
AND MORE DENSITY IN THE URBAN CORP. I
UNDERSTAND WITH THAT WE CAN ELIMINATE THE
POSSIBILITY OF REDUCE THE SPRAWL THAT IS
HAPPENING IN AUSTIN AND START INFILLING THE
URBAN AREAS THAT ARE PRIME FOR THIS
PARTICULAR TYPE OF DEVELOPMENT AND TO SEE
THIS MIXED USE GO UP IN CONCORDIA IS REALLY
AN EXCELLENT PLAN, WE WOULD WALK OVER AND
USE THE MIXED USE AND WELCOME IT AS OPPOSED
TO DRIVING OVER TO SOMEWHERE ELSE TO GO
SHOPPING AT OTHER PLACES OR GO FOR OUR DAILY
NEEDS. AND CAN I SPEAK JUST A SECOND LONGER?

GO AHEAD AND CONCLUDE, THANK YOU.

MY ISSUE IS I THINK THAT THIS WHOLE PROCESS
WOULD WORK BETTER IS THE CITY AND THE
PLANNER AND THE DEVELOPER AND THE
NEIGHBORHOODS. PART OF THE WAY IT COULD
WORK BETTER IS IF THE CITY WOULD PUT FORTH
SOME KIND -- I KNOW IT'S PROBABLY POLITICALLY
DIFFICULT TO DO THIS BUT AN ORDINANCE THAT
ALL FUTURE DEVELOP THAMENT OCCURS IN THE
CITY OF AUSTIN IS REQUIRED TO MEET CERTAIN
SUSTAIN ABILITY STANDARDS SO THAT WE AVOID
HAVING TO HAVE OUR NEIGHBORHOODS
NEGOTIATE THAT, AND PEOPLE WHO ARE BETTER
EXPERTS ON THAT TOPIC COULD HAVE MUCH MORE
INPUT THAN US WHO ARE SUBJECTIVELY LOOKING
AT THIS. TO IT WE REALLY WANT TO GET THAT
SUSTAINABILITY AND REALLY WANT TO GET THAT
CARBON NEUTRAL CITY, I THINK THE CITY NEEDS
TO PUT FORTH AN ORDINANCE THAT ALLOWS US TO
ELIMINATE THAT STEP AND THEN WE CAN
NEGOTIATE OTHER THINGS WITH THE NEIGHBORS

AND THE PLANNERS. AND I THINK -- I REALLY WANT TO SEE LUTHER STAY OPEN, BECAUSE IF IT'S CLOSED, THEN IT WILL BE A NIGHTMARE. THANK YOU VERY MUCH. UNLESS YOU HAVE QUESTIONS OF ME --

QUESTIONS FOR MR. RAMSEY, COUNCIL? I WOULD POINT OUT THAT THE AUSTIN CLIMATE PROTECTION PLAN ONE OF THE BIG PARTS IS A BUILDING AND HOMES SERIES OF ORDINANCES FOR THE VERY REASON THAT YOU MENTIONED EARLIER.

WISH WE WERE IN EFFECT ALREADY, BUT --

A TOUGH HAUL TO GET THERE, BUT, YES.

AND SHANNON, YOU'RE WELCOME DO CONTINUE OR LIKELY YOU'RE GOING TO BE A RESOURCE FOR US AS WE MOVE FORWARD. YES, THANK YOU. AND I SEE MR. RATCLIFF AND GAY ARE HERE TO ADDRESS US. PLEASE STEP FORWARD.

I AM SORRY FOR THE POSITION THAT THIS HAS PUT YOU IN, BUT I WANT TO TELL YOU, THIS WHOLE ENDEAVOR HAS PUT MY NEIGHBORHOOD THROUGH HELL. (APPLAUSE).

WE HAVE MET AND MET AND MET, BUT WE HAVE AMATEURS UP AGAINST PROS. WE DIDN'T -- UNTIL WE FINALLY BECAUSE OF SOME INPUT FROM THE COUNCIL -- UNTIL WE FINALLY GOT ROMA, AND UNTIL WE FINALLY GOT NICOLE, WE WERE OUT THERE, AND WHEN YOU TALK FAR, NOBODY EVEN KNEW WHAT YOU WERE TALKING ABOUT. WE WERE PUT IN THE POSITION OF NEGOTIATING AGAINST A GROUP THAT STARTED OFF WITH FIVE TOWERS, AND 200 AND SOMETHING FEET, AND ONLY VERY RELUCTANTLY BACKED OFF TO FOUR TOWERS OR 225 OR 240 FEET, AND ONLY WHEN WE GOT SOMEBODY LIKE JANA IN THE PROCESS WAS THERE ANY REALITY BROUGHT TO THIS PROGRAM. AND WHEN PEOPLE TALK ABOUT THE AMOUNT OF TIME - - I HEARD THE GENTLEMAN FROM CONCORDIA MENTION THE AMOUNT OF TIME WE HAD TO DO THIS, WE TRIED TO PUT TOGETHER AN ORDINANCE, RESTRICTIVE COVENANTS, MAPS, ALL OF THE

PLANNING IN LESS THAN 30 DAYS ON A MASSIVE DEVELOPMENT OF 22.5 ACRES. I WOULD SUBMIT TO YOU THAT WHAT HAS BEEN DONE IS AMAZING, BUT A LOT REMAINS TO BE DONE. WHEN WE STARTED THIS PROCESS, WE WERE TOLD THAT THERE WERE A LOT OF THINGS WE COULDN'T DO, THAT WE JUST HAD TO TAKE IT ON FAITH AND THIS WAS GOING TO BE A GENERAL CONCEPT AND THEN WE WERE TOLD, NO, WE CAN AGREE ON SOME THINGS. IT NEVER HAS CEASED TO AMAZE ME HOW WE WALK OUT OF A MEETING WITH AN AGREEMENT AND THE NEXT MEETING THERE IS NO LONGER AN AGREEMENT. I HAVE NO I WILL WILL TOWARD CONCORDIA, I FEEL SORRY FOR THEM, BUT I DIDN'T MAKE THEIR DEAL. AND I FIND IT HARD TO BELIEVE THAT IF SHAMBERGER WAS ASKED THEY COULDN'T GRANT A FEW DAYS EXTENSION IF NO NOTHING ELSE BECAUSE OF THE INVESTMENT THEY HAVE IN THE CLOSING. SO I HAVE A LITTLE TROUBLE IF THE FACT THAT THEY WOULDN'T EVEN ASK IF THEY COULD GET A POSTPONEMENT AND THEY WANT TO VISIT WHAT IS RIGHT NOW AN I WILL-FORMED ORDINANCE WITH AGREEMENTS STILL NOT INKED AND THEY WANT TO VISIT IT ON A NEIGHBORHOOD WHERE WE LIVE WITH IT FOR THE REST OF OUR LIVES. I WOULD SUBMIT TO YOU, THAT IS FUNDAMENTALLY UNFAIR. IT DEPRIVES A NEIGHBORHOOD OF ANY PROTECTION OF DUE PROCESS AS I UNDERSTAND THAT TERM. WHAT WE'VE GOT IS A SITUATION WHERE IF WE ARE GIVEN A LITTLE MORE TIME, I'M CONVINCED WE CAN REACH AN AGREEMENT, BUT RIGHT NOW, WE ARE STILL READING AND FINDING THINGS THAT NEED TO BE CORRECTED. I STILL DON'T KNOW WHETHER WE'VE GOT AGREEMENT ON EVERYTHING BECAUSE MEETINGS HAVE BEEN GOING ON IN THREE OR FOUR DIFFERENT AREAS. I WANT TO SAY, I TOOK THIS JOB AS A NEGOTIATOR VERY SERIOUSLY, AND I HAD A LADY LOOK ME IN THE EYE AS I WALKED OUT OF A MEETING AND SAY, "I TRUST YOU TO REPRESENT MY INTERESTS." I DON'T ACCURATELY REPRESENT HER INTERESTS IF I SIGN OFF ON A DEAL WHEN I DON'T KNOW WHAT I'M SIGNING OFF ON. NOW, I FEEL VERY BADLY. I HEARD YESTERDAY THAT THIS IS A VERY COMPLEX TRANSACTION AND I'VE WORKED ON A COUPLE OF THOSE IN MY TIME, AND I

WILL TELL YOU THAT 99% OF THE PAPER IS DONE, THERE MAY BE BLANKS BUT 99% IS DONE. WHAT THEY ARE WAITING ON IS THE LICENSE FROM THE CITY TO DEVELOPMENT TRACT OF LAND IN AN EXTREMELY INTENSE WAY IN A VERY INTRUSIVE WAY ON OUR NEIGHBORHOOD UNLESS WE GET THE PROTECTIONS. BUT WE'VE BEEN TOLD THAT MOST OF THOSE PROTECTIONS HAVE TO BE IN OUR PRIVATE AGREEMENTS. AND IF THEY VIOLATE THEM, IT'S UP TO US TO TAKE THEM INTO COURT AND STOP IT. I'LL TAKE THAT LOAD, BUT I'VE GOT TO HAVE THE PRIVATE AGREEMENTS IN PLACE, AND THEY'VE GOT TO BE SPECIFIC ENOUGH THAT I CAN ENFORCE THEM. I JUST HAVE TO PLEAD WITH THE COUNCIL. I FEEL -- I DON'T I GUESS FEEL IN AS MUCH OF A CONFLICTED SITUATION AS YOU ARE BECAUSE I'M NOT THE DECISION MAKER. BUT I DO FEEL THAT WE'VE ALL BEEN PUT IN A TERRIBLE SITUATION. I FIND IT AMAZING THAT CONCORDIA WOULD ENTER INTO A DEAL WHERE WE HAVE NO MORE FLEXIBILITY THAN A APPARENTLY THEY SAY THEY HAVE. SURELY THEY WOULD HAVE ARRANGED SOME BRIDGE FINANCING IN CASE SOMETHING DID - - THEY ARE ACTING LIKE IT WAS A GIVEN THAT THIS WAS GOING TO GO THROUGH ON THE CONCORDIA TRACT. PERHAPS THEY KNOW SOMETHING I DON'T KNOW. BUT I WOULD JUST -- I WOULD JUST PLEAD AS HUMBLLY AS I CAN TO THIS COUNCIL. PLEASE DON'T VISIT US WITH A LAW THAT WE'VE GOT LIVE WITH FOR AT LEAST AS LONG AS I'M GOING TO LIVE. PLEASE GIVE US THE TIME TO SEE IF WE CAN GET A DEAL DONE THAT WILL -- I WANT COUNCIL TO KNOW. WE WERE NOT A NEIGHBORHOOD THAT SAID NO, WE'RE NOT GOING TO LISTEN. WE DID LISTEN. WE LISTENED TO HEIGHT THAT I QUITE FRANKLY NEVER THOUGHT THAT I WOULD AGREE TO, BUT IT WAS BECAUSE WE SUPPOSEDLY WERE GETTING PROTECTIONS. NOW I DON'T KNOW WHETHER THOSE PROTECTIONS ARE IN PLACE BECAUSE I DON'T KNOW WHAT THE AGREEMENTS FINALLY PROVIDE. AND I WILL SUBMIT TO YOU, I THINK I CAN TAKE EVERYBODY THAT'S BEEN NEGOTIATES TODAY, THEY COULD NOT TELL YOU WHAT IS IN ALL OF THOSE AGREEMENTS BECAUSE NOBODY IS SURE. WE'VE BEEN OVER THERE DRAFTING AND REDRAFTING. THAT IS NO WAY TO CLOSE A DEAL

WITH THIS KIND OF LONG-RANGE QULI INDICATION -- IMPLICATION. THIS HAS BEEN AN UNFAIR PROCESS FROM THE NEIGHBORHOOD'S POINT OF VIEW FROM THE FIRST DAY BECAUSE THE REST OF US HAVE TO WORK FOR A LIVING AND WE ARE NOT GETTING PAID TO WORK THIS DEAL. AND THEREFORE THE DEVELOPER AND THEIR PEOPLE, THEIR NOISE EXPERTS AND TRAFFIC ENGINEERS, THEY CAN WORK ALL DAY BECAUSE THAT IS THEIR JOB. BUT I GET BACK TO THE BOTTOM LINE. THE BOTTOM LINE IS THIS DEAL IS NOT READY. I WOULD ASK THAT THE COUNCIL POSTPONE THIS AND ALLOW US TIME TO WORK IT. AND I'M SORRY IF THAT CAUSES OTHER PROBLEMS. BUT THOSE OTHER PROBLEMS ARE SOLVABLE IN MY JUDGMENT IF YOU PUT THIS PROCESS IN AND IT'S NOT WELL THOUGHT OUT AND NOT WELL DOCUMENT AND NOT WELL PROTECTED, THERE IS FOR NOT MUCH THAT WE CAN DO. THANK YOU.

THANK YOU, MR. RATLIFF. (APPLAUSE) PERSON.

-- I SEE THAT ROSEMARY RATLIFF SIGNED UP TO SPEAK? GOOD FOR HER, AND KATHY ECHOS AND TERRY MYERS.

KATHY, WELCOME, AND IS JANE CHAMBERLAIN HERE? OR CAROL MATSIGIMBA?

YES, I HAVE TO CONFIRM THAT YOU ARE HEAR IN ORDER TO GIVE KATHY YOUR THREE MINUTES, SO YOU HAVE UP TO SIX IF YOU NEED IT.

HOPEFULLY I WON'T NEED IT. IT IS HARD COMMENTING WITHOUT KNOWING WHAT EXACTLY IS IN THE AGREEMENT, BUT I WANT TO SAY SOMETHING ABOUT -- I WANT TO MAKE THREE DIFFERENT POINTS ABOUT THIS WHOLE SITUATION AND THIS WHOLE PROCESS. THE FIRST IN RELATION TO THE PROCESS AND THE SECOND -- WHICH WON'T BE A BIG SURPRISE ON AFFORDABLE HOUSING AND THE THIRD ON THE USE OF THE PUD. FIRST WITH REGARD TO THE PROCESS, A FEW WEEKS AGO A LOT OF US GOT UP HERE AND SPOKE ENTHUSIASTICALLY ABOUT THIS PROCESS THAT MANY OF YOU SUPPORTED OF HAVING AN INDEPENDENT PLANNER

AND LAWYER TO ASSIST IN DEVICING A MUTUALLY ACCEPTABLE SOLUTION AND I STILL BELIEVE THAT THAT IS A GOOD PROCESS AND I DO HOPE THAT IT IS IMPLEMENTED IN THE FUTURE IN LARGE ZONING CASES LIKE THIS. AT LEAST IT COULD BE DONE WITH A MORE REALISTIC TIME TABLE. BUT I'M AMAZED THAT THIS WAS UNDERMINED AT THE END IN 11TH HOUR NEGOTIATIONS WITH ONLY TWO MEMBERS OF THE TEAM AND WITHOUT THE KNOWLEDGE OF THE REMAINING MEMBERS OF THE TEAM. I'M UPSET AND ANGRY ABOUT THE ENORMOUS TIME PRESSURE BROUGHT TO BEAR ON THE TEAM AT THE END IN THE REVIEW OF THE DOCUMENTS THEMSELVES AND THE NEGOTIATIONS. AND SECONDLY THE AFFORDABLE HOUSING PROVISIONS IN THIS DOCUMENT ARE TOTALLY UNACCEPTABLE UNLESS THEY HAVE CHANGED SINCE I LAST SAW THEM. THE BASE HEIGHT IS 60% AND THE FAR IS 1:1. THIS DEVELOPMENT ALLOW UP TO 195 IN SOME OF THE TOWERS AND A 2.8 TO 1 FAR. SO IT'S BASICALLY THREE TIMES THE DENSITY ALLOWED UNDER THE BASE ZONING. WE WERE GETTING 5% OF THE RENTALS AT 80% OF THE MEDIAN, FAR TOO LITTLE BUT WHAT IS DISTURBING TO ME ARE THE FOR-SALE UNITS AT 5% AT 150 AND 5% -- WE ARE TALKING ABOUT FAMILIES THAT ARE WEALTHIER THAN A SIZABLE MAJORITY AND HOMES OF 150,000 FOR A FAMILY OF FOUR OR 225,000 FOR A SINGLE-PERSON FAMILY, THAT IS NOT VIEWED AS AFFORDABLE HOUSING. IT'S NOT EASY TO FIND UNITS LIKE THAT IN THE CENTRAL CITY, BUT THEY ARE AVAILABLE. MY HUSBAND AND I JUST BOUGHT A CUTE TWO BEDROOM ONE BATH HOUSE IN THE HYDE PARK AREA THAT WOULD BE AFFORDABLE AT 120% OF MEDIAN. SO THIS IS NOT A GIFT AND I SUSPECT THEIR MARKET RATE UNITS ARE NOT GOING TO BE A WHOLE LOT MORE EXPENSIVE THAN THAT. PEOPLE ARE GOING TO LOOK AT THESE AND SAY THAT IS AFFORDABLE? WHY ARE YOU HELPING PEOPLE WHO ARE MAKING MORE THAN I'M MAKING? THIS IS MAKING A SHAM OF AFFORDABLE HOUSING AND -- HOUSING AND I'M CONCERNED IT'S GOING TO UNDERMINE OUR TOAFERTS TOAFERTS -- OUR EFFORTS TO GET AFFORDABLE HOUSING IN THE COMMUNITY. AND THE PUD, WE

ARE GOING TO LOOSE THE PUD. IF WE HAD THIS AT THE END IT WOULD HAVE BEEN NICE HAD WE HAD IT EARLIER, AND THAT WHOLE PROCESS WAS TAINTED BY THIS ENORMOUS TIME PRESSURE AROUND SOME OF THE THINGS THAT HAPPENED AT THE END IN THE NEGOTIATIONS AS A RESULT OF THAT PRESSURE. WE ALSO NEED CLEAR GUIDELINES AND REASONABLE AMOUNTS AND AFFORDABLE HOUSING IN PUDS AND THEY NEED TO MAKE SURE THAT PUDS ARE DEVELOPED AND IMPLEMENTED IN FAIR WAYS AND THAT THEY ARE NOT USED TO SIDE STEP OTHER ZONING CATEGORIES AND ARE NOT USED TO GET IN PLACE THINGS THAT WOULD OTHERWISE NOT BE ALLOWED AND THAT THE PROCESS IS FOLLOWED SO THAT EVERYBODY UNDERSTAND WHAT IS BEING AGREED ON. SO, THANKS.

THANK YOU. MS. MYERS, WELCOME BACK, AND IS RICH OR NANCY IVERSON HERE SF. YOU HAVE THREE MINUTES AND YOU'LL BE FOLLOWED BY -- TARA McGRAW.

MAYOR WYNN AND COUNCILMEMBERS, I'M TERRY MYERS AND I LIVE ABOUT 600 FEET FROM THE 182-FOOT PROPOSED HOTEL, AND I WILL SEE IT. OUT ALL OF MY WINDOWS. THERE WERE GOING TO BE FIVE TOWERS, THIS IS GOING TO BE A VERY INTENSE ZONING AND IT IS GOING TO IMPACT US. MY UNDERSTANDING WAS THAT A PUD WAS SUPPOSED TO ENHANCE THE SURROUNDING NEIGHBORHOOD, AND THROUGH THE PROCESS THAT WE'VE GONE THROUGH OVER THESE MANY MONTHS WE FEEL LIKE THE DEVELOPER SAID, WHOOO-HOO, WE HAVE A BONANZA HERE, 22 ACRES OF LAND AND WE CAN JUST JAM EVERYTHING ON TO THAT. OUR NEGOTIATORS ARE DONE ARREST STELLAR JOB, AND THERE WAS AN IMPLICATION THAT THE NEIGHBORHOOD WAS HOLDING UP THE NEGOTIATIONS. THESE PEOPLE HAD JOBS, IN FACT ONE OF NEGOTIATORS LOST HIS JOB IN THIS PROCESS BECAUSE HE WAS SPENDING SO MUCH TIME DOING DO DILIGENCE FOR THE NEIGHBORHOOD, AND THEY WERE DOING EVERYBODY THEY COULD AND THERE WERE THERE CHANGES THAT KEPT COMING UP AT THE LAST

MINUTE THAT WERE SURPRISES OR THINGS WE HAD NEVER SEEN BEFORE. BUT I WOULD LIKE TO YOU CONSIDER SOME OF THE THINGS WE HAVEN'T TALKED A LOT ABOUT. ONE IS BY THEIR OWN SPECULATION THE DEVELOPERS HAVE SAID THAT CONCORDIA NOW GENERATES 7,000 AUTO TRIPS A DAY AND THIS IS GOING TO INCREASE BY 42,000 TRIPS A DAY, AND I WOULD LIKE TO ASK THE CITY WHAT REMEDIES ARE WE GOING TO GET? A LIGHT AT HARRIS AND RED RIVER? A FOUR-WAY STOP AT HAMPL TON AND HARRIS WHERE LEE ELEMENTARY IS JUST A THOUSAND FEET FROM THIS DEVELOPMENT? WE ARE GOING TO LOSE HISTORIC BUILDINGS THAT ARE ELIGIBLE AS CITY LANDMARKS AND NATIONAL REGISTER PROPERTIES. I'M WONDERING HOW THE CITY WILL EXPLAIN IN THE FUTURE THAT WE HAVE DEMOLISHED THE BUILDINGS DESIGNED BY ONE OF THE PREMIER 20TH CENTURY ARCHITECTS IN OUR STATE. THE HEIGHTS GIVEN ARE IN EXCESS OF ANY OUTSIDE THE DOWNTOWN AREA, AND ARE WE GOING TO CONTINUE TO SEE SUPERSIZED SPOT ZONWHICH -- ZONING WHICH IS WHAT I THINK THIS IS AND THERE WILL BE A DECREASED QUALITY OF LIFE FOR THE SURROUNDING NEIGHBORHOODS, WE ARE GOING TO HAVE MORE DENSITY, NOISE AND TRAFFIC AND WE'RE GOING TO HAVE A COMMERCIAL CREEP ON TO RED RIVER AND PROBABLY DOWN OUR SIDE STREETS OF WHICH MINE IS ONE. AND WHEN I GO TO KIBY LANE, I KNOW THEY USED TO BE OWNER OCCUPIED RESIDENTS AND THIS IS WHAT I FEAR IS GOING TO HAPPEN WITH OUR NEIGHBORHOOD. THANK YOU.

THANK YOU. AND KAREN, WELCOME BACK. KAREN YOU'LL HAVE THREE MINUTES TO BE FOLLOWED BY BARBARA EPISTEIN.

MAYOR, AROUND COUNCILMEMBERS, I'M KAREN McGRAW. I AM AN ARCHITECT AND I HAVE WORKED ON MANY NEIGHBORHOOD PLANS. WHEN THIS CONCORDIA PROJECT WAS ANNOUNCED, TERRY MYERS WHO HAS BEEN MY VERY BEST FRIEND FOR QUITE A LONG TIME AND SAID, KAREN, HERE IS A CHECK, SAVE ME. AND I'M SORRY TO SAY THAT I DON'T FEEL THAT I HAVE SAVED HER. I KNEW FROM

THE VERY BEGINNING THAT THE WAY THIS HAD BEEN REQUESTED THAT INSTEAD OF WORKING FROM THE G.O. ZONING ON THE MAP AND WORKING TOWARD WHAT COULD BE BETTER THAN THIS, WHAT HAPPENED WAS TREMENDOUS INTOATLEMENTS WERE -- ENTITLEMENTS WERE ASK REQUESTED AND IT WOULD HAVE TO BE BATTLED DOWN TO SOMETHING THAT MIGHT NOT KILL THE NEIGHBORHOOD. I KNOW THE COUNCIL WORKED TO GET THE ASSISTANCE FOR THE NEIGHBORHOOD. WE NEVER REALLY GOT -- WE GOT IMPROVEMENT. WE STILL DON'T KNOW WHETHER THIS WILL KILL THE NEIGHBORHOOD OR NOT. I THINK THE BIG QUESTION IS THAT. I KNOW I'M GOING TO RUN OUT OF TIME HERE. THE NEGOTIATORS HAVE WORKED WITH ME AND TRIED TO ANSWER MY QUESTIONS. I STILL HAVE QUESTIONS ABOUT THE ORDINANCE, AND BEING A HYDE PARK PARK DENT -- RESIDENT I LIVED THROUGH FUZZY LANGUAGE PROBLEMS AND I WOULD HATE TO SEE THAT HAPPEN HERE. SINCE I CAN'T GET THROUGH THE COMMENTS THAT I WOULD LIKE TO ASK YOU ABOUT, I WOULD LIKE TO SAY TWO THINGS. I CERTAINLY HOPE THAT WHEN AND IF YOU VOTE ON THIS THAT YOU WILL GIVE A CLEAR MESSAGE TO THIS DEVELOPER THAT THIS IS ALL THERE IS. I WORKED ON THE CAN PACK PROJECT AND EVEN WITH THE UNO, PEOPLE INSTANTLY CAME BAN BACK AND SAID WE'RE JUST GOING TO HAVE TO HAVE MORE HEIGHT. AND IF YOU CAN'T GET THAT HOTEL IN THAT HEIGHT, YOU'LL HAVE TO KNOCK SOMETHING OFF, I HOPE THAT IS THE MESSAGE. AND IF IT'S NOT ENOUGH, DO NOT COME BACK HERE. AND I CERTAINLY HEAR TA YOU WILL GIF THAT -- HOPE THAT YOU WILL GIVE THAT MESSAGE SO THE DEVELOPER. AT THE LAST HEARING, SOME OF THE NEIGHBORS TALKED ABOUT THE TRAFFIC. AND I KNOW WELL THAT TRAFFIC IS ALREADY VERY, VERY DIFFICULT ON HARRIS AVENUE, AND PEOPLE ASK YOU WHAT YOU COULD DO TO HELP WITH THE TRAFFIC. AND I KNOW THERE'S A TRAFFIC MEMORANDUM THAT I HAVE NOT SEEN THAT IS REFERENCED HERE. YOUR STAFF MADE A LOT OF COMMENTS ABOUT TRAFFIC IMPROVEMENTS. I'M NOT SEEING THOSE STAFF COMMENTS BEING ADDRESSED IN THESE DOCUMENTS AND I HOPE WE ARE NOT MISSING A

LOT OF THINGS BECAUSE THE STAFF PROPOSALLING WERE NOT ACCEPTED HERE. SO I HOPE WHEN YOU DO THIS THAT YOU WILL ALSO MAKE SOME KIND OF COMMITMENT BECAUSE THIS NEIGHBORHOOD WILL BE GOING THROUGH HOW MANY YEARS OF CONSTRUCTION, YOU KNOW, HOW MANY YEARS -- AND WHERE WILL THE CONSTRUCTION TRAFFIC GO? ALL DOWN RED RIVER? I HOPE THAT YOU WILL FIND A WAY TO MAKE A COMMITMENT TO MAKE SURE THAT DO YOU EVERYTHING YOU CAN TO MITIGATE THE TRAFFIC ISSUES. THANK YOU VERY MUCH.

THANK YOU, MS. MA GRAW. BARBARA EPSTEIN SIGNED UP WISHING TO SPEAK, AND -- SORRY TO HEAR THAT. AND RAFI, ANURAHASAL, SIGNED UP EARLIER. I'M SURE I'M MISPRONOUNCING THE LAST NAME, PROBABLY ACROSS THE HALL READING DOCUMENTS. ANGELA. SIGNED UP WISHING TO SPEAK. AS DID VELDA, AND LAURA SPITZKAH, SIGNED UP WISHING TO SPEAK, AND THIS IS A CONTINUATION FROM THE PREVIOUS MEETING OR NEW SIGN-UPS, AND JONATHAN BINKEY.

BITZKAH.

MY WIFE WOULD PROBABLY GIVE ME HER THREE MINUTES BUT I WON'T ASK FOR THEM. I WILL MAKE IT BRIEF, I LIVE ON HARRIS AVENUE. NEIGHBOR TO TERRY. AND A COUPLE OF COMMENTS, I DO FEEL YOU'VE BEEN PUT IN A TOUGH SITUATION AND ONE OF THE FACTORS BEHIND THAT IS THE FINANCING BETWEEN -- JUST THE TIMING. THE POINT I WANT TO MAKE -- SORRY, I WASN'T PREPARED TO TALK, A LAST-MINUTE THING, BUT THERE ARE FINANCIAL INSTRUMENTS OUT THERE DESIGNED SPECIFICALLY FOR THIS TYPE OF TRANSACTION AND I DON'T FEEL THEY'VE BEEN STRAIGHTFORWARD WITH YOU TELLING YOU ABOUT THEM. A PRIVATE SPEAKER MENTIONED BRJ FINANCING SPECIFICALLY FOR THIS, AND I DON'T KNOW IF IT'S VIABLE BUT IT SHOULD HAVE BEEN. AND ANOTHER POINT I WANTED TO MAKE WAS ABOUT CONSTRUCTION DELAYS. IF THREE DAYS IS GOING TO THROW OFF THIS PROJECT TO GET THEM INTO THE SCHOOL YEAR '08 IN TIME, THEN THEY ARE CERTAINLY GOING TO INCUR CONSTRUCTION DELAYS. THERE IS

AN ELEMENTARY SCHOOL IN THE AREA THAT JUST HAD THEIR THIRD DELAY AND WHAT ARE THE CHANCES THEY ARE GOING TO THAIT '08 SCHOOL YEAR ON TIME, IF THEY ARE TALKING ABOUT THREE DAYS. AND THEN MY NEXT POINT IS HARRIS AVENUE WHICH WAS NOT INCLUDED IN THE TRAFFIC STUDY, AND BECAUSE IT'S INTERSECTION DIDN'T HAVE AN INTERSECTION ADJACENT TO CONCORDIA, THAT NODE WAS NOT INCLUDED. AND IN THE MORNINGS, LEE ELEMENTARY IS QUITE CHALLENGING, 7:30, BASIC TI IT BECOMES ONE-WAY TRAFFIC, AND IF YOU ADD THE ADDITIONAL TRAFFIC FROM RIVER, PEOPLE ARE NOT GOING TO BE ABLE TO MAKE A RIGHT OR LEFT. THE REASON I BRING UP THE DETAIL IS THAT HASN'T BEEN TAKEN INTO THE OVERALL ASSESSMENT AND BECAUSE IT'S SUCH AN OBVIOUS NOTE THAT WAS MISSED, IT MAKES ME WONDER WHAT ELSE WAS MISSED AS WELL. WE HAVE PUT YOU IN A DISK DIFFICULT POSITION, BUT THERE ARE FINANCIAL INSTRUMENTS AVAILTABLE. WE ARE TALKING 80, 90 MILLIONI BELIEVE THERE ARE INVESTMENT BANKERS OUT THERE WHO WOULD BE WILLING TO FIND A BRIDGE TO BUY THEM A WEEK OR TWO WEEKS. NOW, IT MAY NOT BE CHEAP AND IT MAY REMOVE PROFIT FROM THE SELLER OR CONCORD YARKS BUT THERE ARE WAYS TO GET THAT TRANSACTION TO OCCUR, AND IT'S NOT YOUR RESPONSIBILITY OR DUTY TO MAXIMIZE ANYONE'S PROFIT IN THIS SITUATION. YOU'RE PURSUING WHAT IS BEST FOR THE OVERALL COMMUNITY. THAT WAS LESS THAN THREE MINUTES, CORRECT?

THANK YOU, MR. BINKEY. AND THE REST OF THE FOLKS CHECKED THE BOXES IF WE HAVE QUESTIONS. AND SO ARE THERE ANY OTHER CITIZENS WHO WOULD LIKE TO ADDRESS US --

YES, MA'AM, JUST STEP FOR THE RECORD AND GIVE US YOUR NAME. WELCOME.

GOOD AFTERNOON, LINDA GE GUERREORO. I HAVE A FEW THINGS TO SAY. MANY PEOPLE WOULD SAY THIS PROCESS IS BLOOD, SWEAT AND TEARS AND I HAVE TO ADD MORE WHITE HAIRS. THE PROJECT WE HAVE TODAY IS ENSURING OUR QUALITY OF LIFE

AND ADVOCATING FOR DIVERSITY IN AN OLDER NEIGHBORHOOD THAT HAPPENS TO BE IN THE CORE OF THIS CITY. LET'S NOT ASK FOR FORGIVENESS ON MISTAKES MADE DUE TO HASTE. THE OPPORTUNITY IS BEFORE YOU NOW, WE DO NOT WANT ANOTHER INTEL DISASTER. THERE ARE MANY UNANSWERED QUESTIONS THAT LINGER IN THE AIR REGARDING THE BALANCE OF PRESERVATION AND PROTECTION TO AN EXTRAORDINARILY UNIQUE CHARACTER CALLED HANCOCK NEIGHBORHOOD ASSOCIATION. WILL YOU ADVOCATE FOR SPECIFIC METHODS TO IMPLEMENT THIS DOCUMENT? WILL YOU IMPLEMENT AN ENFORCE A MECHANISM FOR FUTURE GROWTH THAT WILL PROTECT AND PRESERVE OUR COMMUNITIES? WILL YOU ESTABLISH TRANSPORTATION GOALS TO ADDRESS THIS INTENSIVE DEVELOPMENT OF 22 ACRES OF URBAN LAND? WILL YOU DEFINE TOOLS AND ALLOW RESOURCES TO PROTECT OUR ELECTIC OLDER NEIGHBORHOOD AS IT MERGES WITH THIS NEW MULTIINTENTION DEVELOPMENT. HANCOCK NEIGHBORHOOD ASSOCIATION WAS PROMISED A FULLY LOADED MERCEDES BENZ, HOWEVER WE'VE BEEN GIVEN A TOYOTA WITHOUT A.C. AND NO CD PLAYER FOR BONUS DENSITIES. THIS IS A SHAM AND A SHAME, WE HAVE A GOLDEN OPPORTUNITY TO CREATE LIVING SPACE FOR THE AVERAGE FAMILY AND CITIZEN ON 22 ACRES OF LAND AND BECOME AUSTIN'S PRIDE AND JOY FOR DOING THIS FEAT. YET, YET THE AFFORDABLE HOUSING IS SO PATHETIC THAT IN MY LIFETIME I WILL NEVER SEE CHILDREN AND FAMES ON MODERATE INCOMES ENJOYING THE PLEASURES OF OUR NEIGHBORHOOD. THE NEIGHBORS ABLE TO BUY INTO THIS NEIGHBORHOOD WHEN IT WAS A GOOD INVESTMENT ARE STRUGGLING EACH YEAR AND SACRIFICES BECAUSE OF TAXES. THEY DON'T NOI IF THEY WILL BE ABLE TO REMAIN AND KNOW THAT POSSIBLY THE NEXT YEAR THEY WILL HAVE TO LEAVE. AT THE 11TH HOUR THE DEVELOPER -- WOULD ANYONE GIVE ME SOME TIME? THANK YOU.

YOU HAVE THREE NOR MORE MINUTES. (PAUSE FOR A CHANGE IN CAPTIONERS)

MY QUESTION IS, DOES THIS COVER THE QUALITY

OF LIFE FOR THE NEXT 50 YEARS? DO ENTITLEMENTS OUTWEIGH THE AMENITIES. WE HAVE ACCEPTED UNACCEPTABLE TERMS. SO I ASK MY CURE RAGE..... COURAGEOUS LEADERS, RIGHT ANY WRONG. BRING JUSTICE TO THE CITIZENS IN NEED OF AFFORDABLE HOUSING. PROAK THE ELEMENTARY SCHOOL AND STAFF OF ROBERT E LEE. DEFEND OUR NEIGHBORHOOD PLAN AND THE FUTURE DEVELOPMENT IN OUR COMMUNITY. ALLOW MANY GENERATIONS TO CATCH TAD POLES IN A CLEAN WALLER CREEK. RESPECT THE NEED FOR PRESERVATION AND ENSURE ENFORCEMENT OF THIS ORDINANCE. THANK YOU SO MUCH. MS. ROW, MISEPSTEIN HAS ARRIVED. WELCOME.

THANK YOU VERY MUCH. AN ATTIC LADDER GOT THE BETTER OF ME, WHICH MADE ME LATE. MAYOR AND THE COUNCIL MEMBERS, I APPRECIATE THE OPPORTUNITY TO SPEAK TO YOU. I HAVE BEEN A MEMBER OF THE NEGOTIATING TEAM ON THE CONCORDIA TRACT AND WON'T TAKE UP TOO MUCH OF YOUR TIME. I THINK THAT EVERYONE HAS WORKED VERY HARD TO TRY TO NEGOTIATE SOMETHING THAT IS GOOD FOR THE DEVELOPER AND GOOD FOR OUR NEIGHBORHOODS. I DON'T KNOW WHETHER YOU-ALL HAVE REALLY HAD ENOUGH TIME TO FULLY REVIEW IT. I DO BELIEVE THAT WHAT WE ARE MOST CONCERNED ABOUT IS A DEVELOPMENT THAT CAN BE NEIGHBORHOOD FRIENDLY, THAT CAN PROVIDE AMENITIES THAT THE NEIGHBORHOOD WILL ACTUALLY BE ABLE TO BE INTEGRATED INTO, THAT IS RETAIL THAT THE NEIGHBORHOOD WOULD WANT TO USE, RETAIL THAT THE PEOPLE WHO LIVE THERE WILL ACTUALLY BE ABLE TO USE SO THAT THEY DON'T MAKE AS MANY CAR TRIPS AS WE HAVE THE ULTIMATE CAR TRIP ESTIMATE NOW AND THE ORDINANCE IS SOMETHING LIKE 31,244 TRIPS. THE LARGEST CONCERN TO PEOPLE WHO LIVE IN THIS AREA IS HOW WE ARE GOING TO DEAL WITH THE AMOUNT OF TRAFFIC THAT THIS DEVELOPMENT WILL HAVE. AND WHETHER OR NOT WE REALLY WILL HAVE A PROJECT THAT WILL BE AS GOOD AS THE DEVELOPER SAYS IT WILL BE. I REALLY THINK THE CITY SHOULD BE GIVING THIS THE GREATEST OF SCRUTINY BECAUSE ONCE THIS PUD IS SIGNED

WE DON'T REALLY HAVE ANY ASSURANCES OF WHAT WILL BE DONE UNLESS THE DEVELOPERS THAT COME IN LIVE UP TO WHAT THEY SAY THEY'RE GOING TO DO. AND FOR THAT REASON I WOULD HOPE THAT THE CITY WILL BE APPROVING THIS WITH SOME REAL THOUGHT AS TO WHAT'S COMING IN AND WHAT IT WILL DO TO THE SURROUNDING AREA. THANK YOU VERY MUCH.

MAYOR WYNN: THANK YOU, BARBARA. THANK YOU. WELCOME. LET'S SEE. IS CAROL MATIGIMBA. OH, CAROL, HOW CLOSE WAS I ON YOUR LAST NAME? PRETTY GOOD? OKAY. GAY RAT LIVE, WHO I SAW EARLIER, IS GOING TO DONATE TIME TO YOU IF YOU NEED IT. START WITH 6 MINUTES AND SEE HOW YOU DO.

THANK YOU. MY NAME IS RALPHY AND WHAT ARE. I LIVE AT 704 HARRIS AVENUE AND I'M 28 YEARS OLD AND, LIKE SHANNON, I'M GOING TO LIVE WITH THIS DEVELOPMENT FOR THE REST OF MY LIFE. FIRST OF ALL I WANT TO TALK ABOUT SOMETHING THAT'S A LITTLE BIT BIGGER, AND I BELIEVE IT'S THE REASON WHY WE'RE HERE IN THE SITUATION THAT WE'RE IN TODAY. AND IT'S BUSINESS LOVES CERTAINTY. IT'S A FUNDAMENTAL PRINCIPLE, AND IT'S ON EXHIBIT HERE TODAY FOR YOU WILL A OF US. AND I'M NOT SAYING IT'S ANYBODY'S FAULT. BUT JUST AS A RESULT OF THE WAY ZONING CHANGES ARE DONE, IT INTRODUCES UNCERTAINTY INTO THE SYSTEM. DEVELOPERS SPECULATE THAT THEY CAN GET AN UPGRADE IN ZONING. THAT INTRODUCES UNCERTAINTY. IT INTRODUCES SPECULATION INTEREST THE MARKET. ONE WAY TO REMOVE THIS IS TO FOLLOW THE ZONING GUIDANCE THAT IS IN PLACE. LOTS ARE ZONED A CERTAIN WAY. IF THAT IS SET IN STONE, IT REMOVES UNCERTAINTY, IT REMOVES SPECULATION AND WE WOULDN'T BE IN THE SITUATION WE'RE IN TODAY. SECOND THING I'D LIKE TO SPEAK ABOUT IS ENFORCEMENT. A LOT OF THE STIPULATIONS BETWEEN THE NEIGHBORHOOD AND THE DEVELOPER ARE GOING INTO PRIVATE COVENANT. THE NEIGHBORHOOD DOES NOT HAVE THE RESOURCES TO ENFORCE THESE PRIVATE COVENANTS. I ASK FOR THE COUNCIL'S SUPPORT TO URGE THE DEVELOPER, REQUIRE THE DEVELOPER

TO SET ASIDE FUNDS FOR THE NEIGHBORHOOD TO USE IN ORDER TO ENFORCE THE PRIVATE COVENANTS THAT THE DEVELOPER IS AGREEING TO. IT'S THE ONLY WAY THAT THE NEIGHBORHOOD CAN BE SURE THAT THESE COVENANTS ARE WORTH MORE THAN THE PAPER THAT THEY'RE WRITTEN ON. SO I STRONGLY URGE YOU TO REQUIRE THE DEVELOPER TO SET ASIDE FUNDS TO ENFORCE WHAT THEY ARE SAYING. AND THEN THE LAST THING I'D LIKE TO SPEAK ABOUT IS CITY CONCESSIONS FOR THIS. THE BURDEN ON OUR NEIGHBORHOOD INFRASTRUCTURE FROM 1,250 UNITS IS GOING TO BE IMMENSE. CONGESTION, POLLUTION, OUR SIDEWALKS ARE OVERWHELMED, THE ROADS ARE OVERWHELMED. OUR SIDEWALKS ARE A JOKE TODAY. THEY'RE CRUMBLING, THEY'RE NONEXISTENT. THEY'RE DISCONTINUOUS. HANDICAP ACCESS IS A -- THERE IS NO HANDICAP ACCESS, AND THAT'S A MAJOR CONCERN TO ME AND TO MY NEIGHBORS. AND THIS FALLS OUTSIDE OF THE AREA THAT THE DEVELOPER IS BUILDING ON, SO WE LOOK TO THE CITY TO PLEASE MAKE IMPROVEMENTS TO OUR INFRASTRUCTURE TO SUPPORT THE INCREASED POPULATION, THE BUSINESS THAT WILL BE THERE, THE TOURISTS THAT WILL BE THERE, SO THAT THEY HAVE AN ENJOYABLE EXPERIENCE AND ENJOYABLE IMPRESSION OF NOT JUST OUR NEIGHBORHOOD BUT OF THE CITY OF AUSTIN. THANK YOU.

YES, MA'AM? PLEASE COME FORWARD AND ADDRESS US. STATE YOUR NAME FOR THE RECORD, PLEASE. WELCOME.

MY NAME IS DANA TALKLY. I'M THE PRESIDENT OF EASTWOOD NEIGHBORHOOD ASSOCIATION AND I WOULD LIKE TO THANK YOU YOU-ALL TODAY FOR TAKING THE TIME TO HEAR US OUT. THIS, AS YOU HAVE HEARD PRETTY MUCH FROM EVERYBODY, IS TRULY AN ORDEAL, A VERY STRESSFUL ORDEAL THAT HAS BEEN COMPLICATED. THERE HAVE BEEN HIGH EMOTIONS. JUST THERE HAVE BEEN A MIRE OF SITUATIONS OF COMPLEX ZONING, UNDERSTANDING ALL THE CHANGES THAT ARE BEING MADE, AND REALLY HAVING THE TIME TO BE ABLE TO PUT THINGS TOGETHER. UNFORTUNATELY

WE WOULD HAVE LIKED TO HAVE HAD THE PROCESS THAT WE'RE WORKING WITH NOW WHEN THIS DEVELOPMENT FIRST STARTED. I THINK IF WE HAD BEEN ABLE TO DO THAT, WE WOULDN'T BE IN THE SITUATION THAT WE ARE NOW. AND WE KNOW THAT CHANGE IS AN INEVITABLE. AS ANY CITY GROWS IT'S GOOD TO COME UP WITH CROSSROADS AND NEW IDEAS AND A LOT OF DIFFERENT THOUGHTS THAT WE HAVEN'T REALLY MET YET. AND SO IT REALLY DOES TAKE A LOT OF THINKING OUTSIDE THE BOX. IT REALLY TAKES WORKING AS A COMMUNITY, AND IT REALLY TAKES WORKING AS NEIGHBORS TOGETHER TO BE ABLE TO DO THIS. I THINK THAT'S PROBABLY ONE OF THE -- BEEN ONE OF THE HARDEST THINGS THAT WE HAVE FOUND, IS JUST, YOU KNOW, BEING ABLE TO WORK WITH THE DEVELOPER IN MAKING JOINT PROGRESS ON THE SITUATION. IT'S -- IT'S -- NO ONE EVER REALLY THOUGHT THAT THIS DEVELOPMENT WOULD COME UP, YOU KNOW, 22 ACRES IN AN URBAN AREA, AND, YOU KNOW, WHEN IT DID, IT JUST KIND OF TOOK EVERYBODY BY SURPRISE. AND SO WE WOULD REALLY LOOK TO YOU-ALL TO REALLY HELP US, TO GIVE US MORE TIME. IT JUST REALLY SEEMS THAT WE ARE VERY CLOSE AT COMING TO THE END OF A LONG, LONG ROAD. AND I CAN EVEN BEGIN TO THINK THAT IF THIS DEVELOPMENT WENT AWAY, STARTING AGAIN WITH SOMEONE ELSE, I MEAN, I THINK I WOULD JUST CLIMB INTO A HOLE AND GO BURY MYSELF FOR A WHILE. SO AT THE SAME TIME, YOU KNOW, KNOWING THAT LAWS ARE BEING SET FOR BOTH THE PROTECTION OF THE DEVELOPER AS WELL AS THE NEIGHBORHOOD, ARE REALLY IMPERATIVE, AND THESE REALLY DO TAKE TIME, AND THERE HAVE BEEN A LOT OF ISSUES THAT HAVE REALLY BEEN VERY HIGH CURRENT THAT WE'VE HAD TO TRY TO WORK WITH AND DEAL WITH, AND ANYTIME THAT EMOTIONS RUN HIGH IT'S DIFFICULT TO REALLY TRY AND SET THOSE ASIDE WHEN YOU HAVE YOUR HEART ON YOUR SLEEVE, TO REALLY TAKE A LOOK AT WHAT IS BEST AND WHAT IS REALLY WORKING. THANK YOU. I REALLY HOPE THAT YOU WILL GIVE US THE EXTRA AFFORDED TIME TO REALLY PUT THIS TOGETHER. THAT REALLY WOULD MEAN A LOT TO US. THANK

YOU.

MAYOR WYNN: THANK YOU, MA'AM. AGAIN, ARE THERE ANY OTHER CITIZENS WHO WOULD LIKE TO ADDRESS US ON THIS PUBLIC HEARING? YES, SIR? STEP FORWARD AND STATE YOUR NAME FOR THE RECORD. AND THEN PERHAPS IF MS. MEADE OR MR. SUTTLE COULD GIVE US AN UPDATE FOLLOWING THE LAST SPEAKER. WELCOME.

MY NAME IS FRED YO. GOOD AFTERNOON, COUNCIL AND MAYOR. I LOOK AT THIS PROCESS FROM AN ENVIRONMENTAL SIDE. WE HAVE AN ENGINEERING UTILITY COMPANY THAT WE DO A LOT OF WORK IN AUSTIN AND OTHER MAJOR CENTERS, AND I THINK - - I'D LIKE TO SUPPORT THE DEVELOPER AT THIS POINT ABOUT THE WORK THAT HE'S DONE FOR THE NEIGHBORHOOD, LOOKING AT GREEN SPACES, CONSIDERING LEAD OPTIONS AND ALL OF THAT, THAT THAT ENTAILS, AND CONTINUALLY CHANGING AND SPENDING HIS MONEY AT THIS POINT TO TRY AND WORK WITH THE NEIGHBORHOOD. I CAN APPRECIATE THAT YOU GUYS HAVE ALL WORKED HARD ON THIS. I APPRECIATE THAT THE NEIGHBORHOODS ARE PROBABLY IN A POSITION WHERE THEY'RE GETTING STRESSED OUT AND TIRED, BUT THIS IS -- I THINK THIS IS A GREAT THING FOR THE CITY. I'VE BEEN FORTUNATE TO MOVE TO AUSTIN, AND I THINK IT'S A VERY, VERY POSITIVE MOOD. IT'S A VERY POSITIVE DEVELOPMENT, AND IT'S -- I THINK TO A CERTAIN EXTENT IT'S LIKE THE NECESSARY PROCESS HAS TO BE PUT IN PLACE TO MOVE FORWARD AGAIN BECAUSE THIS PROBABLY IS GOING TO HAPPEN. IT'S LIKE THE LANDFILL. EVERYBODY WANTS AND NEEDS A LANDFILL. THEY JUST DON'T WANT IT IN THEIR BACKYARD. SO HAVING SAID THAT, I MEAN, THESE ISSUES ARE GOING TO KEEP COMING UP, AND I -- I THANK COUNCIL FROM -- AS A CITIZEN, ALL THAT YOU GUYS ARE GOING THROUGH. I SUSPECT IT'S LIKE EVERYTHING ELSE, THAT YOU'RE LEARNING AS YOU GO, AND WHEN THESE THINGS COME UP AGAIN THERE'S PROBABLY A PROCESS TO GO THROUGH. I'D LIKE TO MAKE A COMMENT FROM THE CONCORDIA SIDE AND A BUSINESS MODEL THAT A

COMPLICATED TRANSACTION IS A COMPLICATED TRANSACTION. THERE IS -- THERE ARE NOT BRIDGE FINANCING OPTIONS WHEN THEY DO COMMITMENTS. I'D LIKE TO KNOW WHO'S THINKING ABOUT THE STUDENTS THAT ARE OUT THERE AND THE DISRUPTION THAT CONCORDIA IS GOING THROUGH ON ALL LEVELS, AND IN WORKING WITH THAT NEIGHBORHOOD TRYING TO GET TO THEIR NEW SITE, FACILITATE THE DEVELOPER, WORK WITH THE -- WORK WITH THE NEIGHBORHOODS, WHICH, BY THE WAY, I JUST FOUND OUT THAT THE DEVELOPER IS PAYING THE NEGOTIATOR FOR THE NEIGHBORHOODS, AND I THOUGHT, I MEAN, THAT'S A PRETTY GOOD LEAP OF FAITH. AND THE END RESULT IS THERE'S A CONTRACT. WE ALL DEAL WITH THAT. YOU PUT TOGETHER A CONTRACT FOR THIS BUILDING AND IT'S DONE. THE CONTRACTS ARE PUT IN PLACE TO ENSURE THAT ISSUES THAT ARE RATHER PRIVATE OR PUBLIC ARE ADDRESSED. AS COUNCILMAN MCCRACKEN KNOWS, WE DEAL WITH AN ISSUE THAT HAS BEEN GOING ON WHERE SOMEBODY IN THE CITY CAN BUILD ANYTIME THEY WANT, GET RED TAGGED, CREATE ALL SORTS OF PROBLEMS AND NOT HAVE TO DO ANYTHING ABOUT IT, WHICH IS UNFORTUNATE, AND I KNOW YOU GUYS DEAL WITH THIS. IN THIS CASE THE DEVELOPER STEPS FORWARD, HAS SPENT CONSIDERABLE -- MILLIONS OF DOLLARS, LOOKED AT INFRASTRUCTURE THAT WOULD ENHANCE THE NEIGHBORHOOD, AND I DON'T WANT TO GET INTO THE HEIGHT RESTRICTIONS AND ALL THAT SORT OF THING, BUT HAS SPENT A LOT OF MONEY, HAS A LOT OF CREDIBILITY AND IS WORKING HARD WITH THIS WHOLE PROCESS. APPRECIATE YOUR TIME.

MAYOR WYNN: THANK YOU, SIR. I JUST LOST -- I SAW MS. MEADE AND MR. SUTTLE IN THE BACK OF THE ROOM A FEW SECONDS AGO. PERHAPS IF WE COULD GET AN UPDATE AS TO DISCUSSIONS. WELCOME BACK, MR. SUTTLE.

THANK YOU, MAYOR, MEMBERS OF THE COUNCIL. IS THIS -- IS THIS THE CLOSING OF THE APPLICANT OR IS THIS QUESTION OR HOW --

THIS IS JUST QUESTION -- WE'RE CURIOUS AS TO --

AS TO THE PROGRESS OUTSIDE.

OKAY. I'M GOING TO LET -- AGAIN, IT'S NOT IN OUR COURT. LET ME LET NIKELE MAYBE TALK BECAUSE I THINK SHE MAY HAVE BEEN IN SOME OF THE MEETINGS AND MAYBE SHE KNOWS OR SHANNON KNOWS.

?OO.

MAYOR WYNN: WELCOME.

THANK YOU, MAYOR. I THINK ABOUT -- IT'S GETTING PRETTY CLOSE TO THE POINT THAT WE CAN TURN OVER COMMENTS ON THE PUD ORDINANCE TO CITY LEGAL AND THE DEVELOPER, AND I WOULD SAY PROBABLY WITHIN 30 TO 40 MINUTES OR SO. PROBABLY -- PROBABLY 30 MINUTES. YOU KNOW WHAT? I APOLOGIZE, THAT IS NOT TRUE, BECAUSE THE FOLKS WHO HAVE BEEN IN THIS ROOM FOR THE PUBLIC HEARING HAVEN'T HAD AN OPPORTUNITY TO LOOK AT ALL THOSE COMMENTS, SO I WOULD SAY WE SHOULD BE READY TO RETURN OUR COMMENTS, PROBABLY IN ABOUT AN HOUR. AND THEN THERE ARE A COUPLE OF -- I THINK THE OTHER DOCUMENTS ARE, AS I SAID, COMPLETE, ALTHOUGH IT SOUNDS LIKE IN CONCORDIA'S REVIEW OF THOSE THERE ARE A COUPLE THINGS THAT THEY'RE WANTING TO CHANGE UP. SO, YOU KNOW, WE PROBABLY NEED A LITTLE BIT OF TIME ON THOSE. AND WE ALSO NEED A LITTLE TIME TO SET THE RED LINE DOCUMENT NEXT TO THE FINAL DOCUMENT TO MAKE SURE THAT THEY MATCH. AND SO I THINK REALISTICALLY WE ARE PROBABLY READY TO BE DONE ONE WAY OR THE OTHER BY PROBABLY 7:30 OR 8:30. I WISH I COULD.....8:00.I WISH I COULD SAY EARLIER THAN THAT BUT HAVING BEEN IN ABOUT 400 SESSIONS WITH THE DEVELOPER, AND I DID ASK SOME OF THE NEIGHBORS AND THE DEVELOPER WHAT THEIR OPINION IS ABOUT THAT TIME FRAME AND I THINK THEY CONCUR THAT THAT'S ABOUT RIGHT.

QUESTIONS, COUNCIL, OF MS. MOOD, OR ANYBODY

ELSE, FOR THAT MATTER?

MR. SUTTLE?

MAYOR, KIND OF READING EVERYBODY'S PATIENCE LEVEL ON THIS, I WANT TO JUST -- I WANT TO CLOSE WITH THE POSITIVES OF WHERE THIS PROCESS HAS BEEN. AS YOU KNOW, THIS PUD WAS STARTED OUT, I BELIEVE, IN MAY OF LAST YEAR. THERE HAVE BEEN MANY, MANY, MANY HUNDREDS OF HOURS OF MEETINGS. AT ONE POINT WE WERE AT A STALEMATE, AND THROUGH GUIDANCE FROM OTHERS, MY CLIENT HIRED -- OR ACTUALLY DIDN'T HIRE BUT PAID THE BUILD FOR ROMA DESIGN AND FOR THE LAW FIRM OF BROWN MCCAROL TO ENGAGE IN TRIAL TO MAKE THIS WORK. COUNTLESS HOURS HAVE BEEN SPENT BY BOTH ROMA AND BROWN MCCARROLL ON THIS, AT A GREAT EXPENSE TO MY CLIENT, AND WE MOVED AND KEPT MOVING FORWARD AND IT WAS ALL WORKING. YOU'VE SEEN THE DOCUMENTS THAT HAVE BEEN PRESENTED TO YOU, OR AT LEAST SHOWN IN THE INTERIM. WE WENT FROM A BLOCK DIAGRAM TO A DIAGRAM THAT HAS GREAT STREETS THAT IN ONE ESTIMATION COST IN EXCESS OF \$3 MILLION, OVER AND ABOVE WHAT A NORMAL DEVELOPMENT WOULD DO. THIS TRACT IS 22 ACRES IN OUR INNER CITY. HAS MILLIONS OF DOLLARS OF INFRASTRUCTURE THAT NEED TO BE INSTALLED BOTH ON-SITE AND OFF-SITE. THIS TRACT HAS THE URBAN DESIGN STANDARDS. IT'S GOT HEIGHT, ARTICULATION. IT DOES HAVE MORE HEIGHT THAN ANY OF US THOUGHT WOULD EVER BE AGREED UPON, BUT IT ALSO HAS A VARIATION OF HEIGHT THAT STARTS AT 35 FEET AND GOES UP FROM THERE. IT'S GOT MANY, MANY, MANY GOOD THINGS IN IT THAT I HOPE THE NEXT PERSON CAN DO. IF -- AS I UNDERSTAND IT, THE GROUP MEETING ON THE ORDINANCE NOW IS VERY CLOSE ON THE ORDINANCE. I CAN TELL YOU THAT THE DOCUMENTS THIS MORNING THAT CAME TO US -- OR THIS AFTERNOON, ACTUALLY, WE WERE ABLE TO TURN THEM AROUND AND ACCEPT THE CHANGES WITHIN TEN MINUTES. I AM CONFIDENT THAT THE SMALL CHANGES THAT THE NEIGHBORS ARE MAKING NOW, THEY'RE IN THE SAME BOAT. I'M

HOPEFUL THAT WE CAN DO THIS TODAY. I'M NOT HOPEFUL THAT IF IT DOESN'T HAPPEN TODAY THAT CONCORDIA FOLLOWS THROUGH ON THEIR MOVING THEIR CAMPUS AND STAYING WITHIN AUSTIN. BUT AGAIN, IF -- I WOULD ENCOURAGE YOU TO EXAMINE THE PROCESS, EXAMINE WHAT JANUARYA MCCAN CAME UP WITH IN THE PLAN ON THIS. I HATE TO END IN THIS ON A NEGATIVE NOTE TODAY, BECAUSE THERE'S SO MUCH POSITIVE. IT'S JUST SOME DEALS AT THE END YOU'VE GOT A DEADLINE, YOU'VE GOT TO MEET IT AND WITHOUT A DEADLINE IT NEVER HAPPENS, AND IN THIS CASE WITH THE DEADLINE IT MAY NOT HAPPEN ANYWAY. WE APPRECIATE ALL YOU-ALL'S -- YOUR EFFORTS AND YOUR SUPPORT, AND IF YOU'VE GOT QUESTIONS, JANA I THINK IS IN THE BUILDING. I THINK SHE'S WITH THE NEIGHBORHOOD GROUP STILL POURING OVER THE ORDINANCE. AS I UNDERSTAND IT, THE DOCUMENTS ARE -- THE PRIVATE SIDE NOW IS DOWN AND IT'S THE ORDINANCE THAT IS BEING REVIEWED. IF ANYBODY HAS ANY INFORMATION BEYOND THAT, I DON'T, BUT -- THANK YOU ALL FOR THE PROCESS. THANK YOU FOR THE PLAN THAT MAYBE SOMEONE CAN LEAP FROM AND I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.... HAVE.

MAYOR WYNN: THANK YOU, MR. SUTTLE. QUESTIONS OF MR. SERIOUS HE WILL OR.....FOR MR. SERIOUS HEWILL OR ANYBODY ELSE? COUNCIL MEMBER LEFFINGWELL.

LEFFINGWELL: I'D LIKE TO ASK A QUESTION OF MR. RATLIFF SR. AND THE QUESTION IS IN YOUR REMARKS, WHICH WERE VERY IMPRESSIVE, BY THE WAY, YOU INDICATED YOU NEEDED MORE TIME AND NOW WE'VE JUST HEARD THAT THIS MAY BE READY BY 7:30 OR 8:00 TONIGHT. IN YOUR OPINION, REFLECTING ON THAT, DO YOU THINK THAT'S ENOUGH TIME FOR YOU?

I GUESS WHERE I WOULD BE, COUNCIL MEMBER, IS THAT'S THE TIME I'VE GOT, I GUESS THAT'S THE TIME I'LL USE. BUT I THINK, ASSUMING WE DON'T HIT SOME SNAG, WE COULD PROBABLY GET SOMETHING DONE BY 7:30 OF 8:00. WHAT I LIVE IN DREAD OF IS THAT IN DOING THAT, I ALLOW

SOMETHING TO GO THAT REALLY IS HARMFUL. BUT I WILL TELL YOU THAT I THINK WE CAN DO -- WE'LL DO THE BEST WE CAN, AND I THINK WE'VE GOT A REASONABLE SHOT AT DOING IT. I DON'T KNOW WHETHER ANY OF THE CHANGES THAT CONCORDIA WANTED IN THE PRIVATE DOCUMENTS, WHETHER THOSE AFFECT US OR NOT. SO -- AND I DO KNOW WE'VE GOT -- BECAUSE I WAS THERE A MOMENT AGO, THERE ARE A SUBSTANTIAL NUMBER OF REVISIONS, OR SUGGESTED REVISIONS, ON THE ORDINANCE ITSELF THAT THEY WERE TRYING TO WORK THROUGH UP THERE.

LEFFINGWELL: FIRST OF ALL, I'M NOT -- CERTAINLY -- I'M CERTAINLY NOT TELLING YOU THAT'S THE TIME YOU HAVE. I'M ASKING THE QUESTION, AND I'M MINDFUL OF YOUR COMMENTS ABOUT THIS IS A COMPLEX DOCUMENT AND THIS IS SOMETHING YOU'RE GOING TO HAVE TO LIVE WITH FOR A LONG TIME. SO I'M ASKING AGAIN, JUST TO CONFIRM IF YOU BELIEVE, IN LIGHT OF THAT, THAT THE 7:30 OR 8:00 DEADLINE TONIGHT WOULD BE ADEQUATE TO SATISFY YOU.

I WOULD HAVE TO SAY THAT I THINK -- I THINK WE COULD GET IT DONE BY 7:30 OR 8:00 TONIGHT.

LEFFINGWELL: THANK YOU, SIR.

MAYOR WYNN: FURTHER COMMENTS, QUESTIONS? THOUGHTS? WHAT WE'RE DISCUSSING PER OUR CHARTER, WITH THE WRITTEN REQUEST BY ME, THE CITY CLERK CAN CALL A SPECIAL CALLED MEETING OF THE CITY COUNCIL WITH 72 HOURS' NOTICE, WHICH IS STATE LAW. SO THERE IS THE OPPORTUNITY -- THERE'S THE -- THERE'S SOME SCHEDULING CONFLICTS THAT SOME OF US HAVE, BUT TECHNICALLY THIS WOULD ONLY REQUIRE FOUR AFFIRMATIVE VOTES, BEING A THIRD READING, SO ONLY FOUR OF US WOULD NEED TO BE HERE, IF, IN FACT, THERE IS A -- AN AGREED-TO SET OF DOCUMENTS BY BOTH SIDES THAT COULD THEN BE APPROVED SUBJECT TO HOURS FROM NOW. AND SO -- BUT AGAIN, WE'RE NOT SURE WHETHER THAT WOULD ALLOW FOR THE TRANSACTION TO OCCUR ON THURSDAY. I WOULD SURE HOPE THAT BASED

ON THIS, YOU KNOW, MEETING THIS AFTERNOON, AND SHOULD COUNCIL TAKE AFFIRMATIVE ACTION AS EARLY AS MONDAY, THAT I'D HAVE A HARD TIME BELIEVING, AS MR. RATLIFF ACTUALLY MENTIONED EARLIER, THAT THE SELLER OF THE PROPERTY ON 620, SLUMBERJAY, SOMEHOW WOULDN'T HAVE THE FLEXIBILITY, THE ABILITY, TO EXTEND FOR SOME PERIOD OF DAYS THE TIME THAT THEY WOULD NEED TO CLOSE THEIR TRANSACTION WITH CONCORDIA AS THEIR BUYER. BUT THOSE ARE MY THOUGHTS. MS. TERRY, DO YOU WANT TO CONFIRM?

MAYOR, I HAVE A QUESTION.

MAYOR WYNN: COUNCIL MEMBER COLE.

COLE: A COUPLE TIMES YOU HAD THURSDAY AND MONDAY WHEN YOU WERE TALKING, AND I ONLY THOUGHT WE WERE CONTEMPLATING TUESDAY.

MAYOR WYNN: WE COULD DO TUESDAY. I THINK WHEN WE -- LATE AFTERNOON AS WE WERE TALKING I THINK MORE OF US ARE AVAILABLE ON TUESDAY AFTERNOON, MORE BEING PERHAPS FIVE, MAYBE SIX OF US. WHAT I'M ALSO SUGGESTING IS THAT THE LEGAL AND TECHNICAL CONSTRAINTS WE HAVE IS THAT WE COULD CALL A SPECIAL-CALLED MEETING IN 72 HOURS, AND SO THAT WOULD BE 3:30 ON MONDAY AFTERNOON.

COLE: OKAY.

MAYOR WYNN: AND IF, IN FACT, THESE DOCUMENTS GET REVIEWED THIS EVENING AND OVER THE COURSE OF THE WEEKEND AND MONDAY AND IF -- IF THERE IS CONSENSUS AND PEOPLE ARE COMFORTABLE, THEN BY ACTING ON MONDAY, IF, IN FACT, WE'RE GOING TO APPROVE SOMETHING, YOU KNOW, THAT BUYS ONE MORE DAY FOR THE REST OF THE TRANSACTION TO OCCUR THAN TUESDAY WOULD. IT'S JUST A THOUGHT.

MAYOR.

MAYOR WYNN: COUNCIL MEMBER MCCRACKEN.

MCCRACKEN: ONE CONSIDERATION IS THAT THE CITY COUNCIL APPOINTS TWO MEMBERS OF THE COUNCIL TO SERVE ON THE METRO BOARD AND WE HAVE A MEETING ON MONDAY AFTERNOON.

MAYOR WYNN: THIS WOULD BE A GOOD TIME TO DISCUSS WHETHER THERE MIGHT BE SCHEDULING CONFLICTS FOR WHEN OUR NEXT -- COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: I'M GOING TO BE OUT OF TOWN ON MONDAY. I'M DUE IN AT 12:25, AND I DO HAVE, AS MAD SAID, A CAPITAL METRO BOARD MEETING ON MONDAY EVENING, BUT CERTAINLY THIS WOULD TAKE PRIORITY, IN MY MIND, OVER THAT, BUT I'M ALSO AVAILABLE TUESDAY.

MAYOR WYNN: THANK YOU. COUNCIL MEMBER COLE? FURTHER? --

COLE: I JUST WANTED TO SAY THAT I WAS AVAILABLE MONDAY AFTERNOON AND TUESDAY AFTERNOON.

MAYOR WYNN: AS I WOULD BE. I WOULD MAKE MYSELF AVAILABLE. COUNCIL MEMBER KIM?

KIM: MONDAY MORNING AVAILABILITY AND TUESDAY AFTER 3:30 P.M. I COULD BE HERE AT 3:30 ON TUESDAY.

MCCRACKEN: ANYTIME. I LOVE MY JOB.
[LAUGHTER]

TODAY YOU LOVE YOUR JOB?

MAYOR WYNN: WELL, THEN.... THEN, -- WELL, IT SOUNDS LIKE -- WELL, SO MONDAY THERE IS DEPENDING ON A CAPITAL METRO QUORUM OR NOT, MAYOR PRO TEM WILL STILL BE OUT OF TOWN, I BELIEVE, THROUGH TUESDAY AS WELL. SO WE HAVE FOUR, PERHAPS FIVE OF US COULD BE AVAILABLE ON MONDAY. AND NOW, AS A BACKUP, MS. TERRY, IS IT POSSIBLE FOR ME TO MAKE TWO

REQUESTS OF THE CITY CLERK TO CALL A SPECIAL-CALLED MEETING IN 72 HOURS, MONDAY AT 3:30 AND TO ASK FOR A SPECIAL-CALLED MEETING ON TUESDAY, AND TO THE EXTENT THAT WE DON'T HAVE A QUORUM ON TUESDAY, THAT IS, WE DON'T NEED ONE IF WE, IN FACT, TAKE ACTION ON MONDAY, COULD WE HAVE, YOU KNOW, TWO SPECIAL-CALLED MEETINGS OUTSTANDING AT THE SAME TIME?

TERRY: MAYOR, YOU CAN HAVE TWO SPECIAL-CALLED MEETINGS OUTSTANDING AT THE SAME TIME. WHAT YOU WOULD NEED TO DO IS YOU WOULD NEED TO ALSO HAVE A MOTION TO POSTPONE THESE TWO ITEMS TO YOUR FIRST CALLED MEETING. THEN YOU WOULD HAVE TO HAVE A QUORUM AT THAT FIRST CALLED MEETING TO POSTPONE THEM AGAIN TO THE SECOND CALLED MEETING. SO YOU -- THE FIRST CALLED -- SPECIAL CALLED MEETING, YOU'VE GOT TO HAVE A QUORUM TO DO SOMETHING, WHETHER IT'S TO APPROVE THESE TWO ITEMS OR TO POSTPONE IT TO THE SECOND CALLED MEETING.

MAYOR WYNN: OKAY. WELL, MY SUSPICION IS, COUNCIL, THAT WE COULD AT LEAST MUSCLE A QUORUM ON MONDAY IF OUR GOAL, PERHAPS, THAT DAY WAS TO, ONCE AGAIN, POSTPONE FOR ANOTHER 24 HOURS OR SO. COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: CAN WE CALL IN OUR VOTE TO POSTPONE ON MONDAY?

TERRY: NO, SIR, YOU MAY NOT. AND STAFF IS TELLING ME THAT THEY REALLY -- IN ORDER TO GET THIS THING POSTED, PHYSICALLY DONE, THEY REALLY NEED FOR YOU TO SET THE CALL MEETING AT 4:00 SO THAT WE CAN PHYSICALLY GET THE PAPER OUT.

MAYOR MOTION TO POSTPONE THESE TWO ITEMS.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ TO POSTPONE ITEM 64 AND 65 TO THE NEXT CALLED MEETING OF THE AUSTIN -- SPECIAL

WALLED MEETING OF THE AUSTIN CITY COUNCIL,
SECONDED BY COUNCIL MEMBER LEFFINGWELL,
AND --

TERRY: MAYOR, I'M NOT SURE THE POINT OF ORDER
IF WE NEED TO CLOSE THE PUBLIC HEARING BEFORE
WE MAKE THAT MOTION.

TERRY: MAYOR, IT IS PERFECTLY APPROPRIATE TO
CLOSE THE PUBLIC HEARING. YOU CAN CONTINUE
TO LEAVE THE PUBLIC HEARING OPEN. IF YOU
CHOOSE TO CLOSE THE PUBLIC HEARING, IT WOULD
BE APPROPRIATE FOR THE MOTION TO POSTPONE TO
BE WITHDRAWN, AND THEN A MOTION TO CLOSE
THE PUBLIC HEARING AND THEN A MOTION TO
POSTPONE TO THE SPECIAL-CALLED MEETING AT
4:00 ON MONDAY.

MAYOR WYNN: COUNCIL, MY INSTINCT IS WE MIGHT
AS WELL LEAVE THE PUBLIC HEARING OPEN
BECAUSE THAT WAY, YOU KNOW, THERE'S GOING
TO BE, YOU KNOW, MORE INFORMATION SHARED
OVER THE WEEKEND AS DOCUMENTS REALLY ARE
ANALYZED IN DEPTH, AND I THINK IT WOULD BE
APPROPRIATE TO ALLOW CITIZENS THAT
FLEXIBILITY. WE LIKELY WILL HAVE A LOT OF
QUESTIONS OF INDIVIDUAL PARTICIPANTS ANYWAY
COME MONDAY OR TUESDAY. SO WHY DON'T WE
JUST -- THE MOTION TO POSTPONE REMAINS ON THE
TABLE. WE'LL LEAVE THE PUBLIC HEARING OPEN,
AND SO WITH YOUR PERMISSION I'LL GET WITH
MISFENCE HERE IN..... MISMIST FENCE HERE IN
THE NEXT COUPLE MINUTES AND MAKE MY
WRITTEN REQUESTS, WHICH ALLOWS HER TO POST,
GET IT UP ON THE WALL. LET'S ASSUME IT'S GOING
TO BE 4:00 FOR MONDAY AND THEN WE'LL DO A
CONCURRENT ONE FOR 4:00 ON TUESDAY. SO
MOTION AND SECOND ON THE TABLE. FURTHER
COMMENTS? HEARING NONE, ALL THOSE IN FAVOR
PLEASE SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED? MOTION TO
POSTPONE PASSES ON A VOTE OF 6-0 WITH MAYOR
PRO TEM OFF THE DAIS. THANK YOU ALL VERY

MUCH.

**End of Council Session Closed Caption
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